LEGISLATION.

THE EZHAVA REGULATION AMENDING BILL.

PRESIDENT : We will now proceed to consider an Amending Bill, to be introduced by a private member, dealing with the Ezhava Regulation. The reasons why Government accorded facilities to a non-official member to bring in this Bill are, firstly, that equality of opportunity must be given to every party in a piece of social legislation. It does not matter whether a party is in the majority or in the minority. The feeling is strong and, whatever the size of the party, they must be given an opportunity to represent their views to the representatives of the country as a whole here assembled. That is the first reason. The second reason is that, in the matter of social legislation, the theory and the almost universal practice determining the attitude of Governments is that, where people want to change the existing order of things, they should go in themselves deliberately for the change by what is called or understood as "registering in" and not that those who wish to continue in the old order of things should be compelled to "register out" of the new law. That being the general understanding of the position, Government felt that they should give the party who want to continue in the old order of things an opportunity or right to do so by the vote of this Council.

The question next arises as to the attitude of the Government members in regard to the measure. This is a non-official measure and a social measure and therefore each member of the Government will vote exactly as his feelings and convictions direct him. Not a single member has a mandate from Government, as to how he should vote upon this measure. The official members will be in the same position as the non-official members. They can speak for or against the measure. They can vote for or against the measure.

MR. R. PADMANABHAN (*Nominated*) : Sir, before introducing this Bill, I have to present a petition signed by 330 *misradaya* members to the Council, and I may be allowed to make a brief statement of the allegations contained in the petition.

PRESIDENT : Before you proceed to that, you will have to move that the Bill be read in Council. You may then present the petition.

MR. R. PADMANABHAN (*Nominated*) : I beg to introduce a Bill to amend Section 33 of the Ezhava Regulation, III of 1100, and I beg also to move that the Bill be read in Council.

RAO BAHADUR K. V. RANGASWAMI AIYANGAR (*Principal, College of Arts*) : I second it.

MR. KAYYALAM PARAMESVARAN PILLAI (*Ag. Additional Head Sirkar Vakil*) : The practice in this House is first to move that the Bill be read in the Council and then, after it is seconded, for the mover and other members to speak and discuss the principles of the Bill.

PRESIDENT : Yes, the Bill has been moved and seconded and the mover is at liberty to speak.

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MR. R. PADMANABHAN (*Nominated*) : The amendment proposed is intended to remove the strong feelings of heart-burning and dissatisfaction of the *misradayees* who protested against this compulsory legislation. Section 33 is objected to by the favourites of *misradayam* on the following grounds:—

(1) It is based on an unsound principle.

(2) It entraps them by restricting the freedom of conscience and compels them to follow a system of inheritance against their will.

(3) It brings about domestic quarrel by engendering dissension.

The above Section was intended to meet the claims of *misradayees* who were unwilling to follow the provisions contained in Parts IV and VII of the Regulation.

The *misradayees* are those Ezhavas who follow the peculiar system of inheritance by which the self-acquisitions of a deceased person are divided equally between his children and nephews. The Ezhavas who inhabit taluks south of Quilon follow this system of inheritance. The Ezhavas that inhabit taluks north of Quilon are pure *marumakkathayees*, excepting a few who are pure *makkathayees* that live on the borders adjoining the Tamil districts.

The *makkathayam* Ezhavas are exempted from the operation of the Ezhava Regulation. They have been following a system of inheritance fundamentally different from what the Ezhava Regulation provides. They were quite satisfied with their customary law. Hence this exemption.

And the *marumakkathayam* Ezhavas also fell in with the changes brought about by the Regulation which was created to meet this universal requirement. There was hardly any dissentient voice against *makkathayam* and individual partition from the *marumakkathayam* Ezhavas. More than 75 per cent. of the witnesses examined by the Law Committee from among *marumakkathayees* were for *makkathayam*. They do not profess to make any kind of protest against the Regulation. From that, we may safely conclude that they are satisfied with the Regulation.

Now coming to the case of *misradayees*, there, we see quite a different spectacle altogether. From the very initial stage of the enquiries which resulted in the origin of this Regulation, we can trace the germ of discontent thwarting the evolution of this new system. In the report of the Law Committee itself, we see that, among the *misradayees*, there were prominent persons who held the opposite view. These are contained in paragraphs 8 and 39 of the Ezhava Law Committee's Report. I shall read them:—

> "8. Of the invited witnesses who were not, for some reason or other, able to appear before the Committee, 39 persons, including 20 ladies, sent written answers to the printed interrogatories served on them. We were also favoured with 100 memoranda from others containing numerous signatures. When the Committee were recording evidence in North Travancore, where public opinion pronounced itself strongly in favour of a law for individual partition and *makkathay m*,

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a wave of opposition arose in the South. A band of ardent men at Quilon dreading the radical change advocated by their brethren in the North formed themselves into what they called "*Misradaya* Committee" and held a meeting at Paravur in the Quilon Taluk presided over by Mr. C. V. Kunjuraman of Mayyanad, a vakil practising before the Paravoor Magistrate's Court. * "

"39. Among the advocates of the opposite view are Mr. C. O. Madhavan, Acting Additional Munsiff at Alleppey, Mr. Komathu Kunja Panikkan of Kayankulam, Mr. C. V. Kunjuraman of Mayyanad, Mr. Bhagavati Parameswaran of Trivandrum and Mr. Sankara Panikkar of Neyyattinkara. The objections to the exclusive inheritance of self-acquisition by wife and children are stated in the memorandum prepared by Mr. Kunjuraman. His argument in substance is that the diversion of the whole self-acquisition in favour of wife and children coupled with a right to individual partition of such property among them is opposed to the cardinal principle of *marumakkathayam* and that it will in course of time tend to weaken the integrity of the *marumakkathayam* family leading to its gradual dislocation and complete evolution of *makkathayam*—a consummation, which it is feared, would work hard on the minors and female members of the community. * * * "

MR. N. KUMARAN (*Nominated*) : Does the member know that Mr. C. O. Madhavan and Mr. Kunja Panikkan are members of *marumakkathayam* community ?

MR. R. PADMANABHAN (*Nominated*) : Yes.

MR. N. KUMARAN (*Nominated*) : Does the member know that Mr. Sankara Panikkar is an ardent *makkathayee* ?

MR. R. PADMANABHAN (*Nominated*) : I do not know.

MR. N. KUMARAN (*Nominated*) : Does he know that Mr. C. V. Kunjuraman, the man who formed the Committee, wrote the memorandum and prepared all the pamphlets and answers for the dissenting section of the *misradayees* has, in an article in the last issue of his paper, in his own name, said that his only objection was that something should be given to the sister, whether one-half or less, and that he has absolutely no objection to individual partition ?

MR. R. PADMANABHAN (*Nominated*) : In what paper?

MR. N. KUMARAN (*Nominated*) : *The Kerala Kaumudi.*

MR. R. PADMANABHAN (*Nominated*) : I am not a subscriber to that paper, and I did not read that article.

MR. N. KUMARAN (*Nominated*) : I am very sorry. I thought the member read it.

MR. R. PADMANABHAN (*Nominated*) : Simultaneously with the organisation of the Law Committee, an association known as *Misradaya Samudayam* was organised with a view to protest against the proposed new legislation. Under its auspices, many meetings were held in various places in which resolutions were passed and sent to the Government, strongly protesting against the measure.

In the first Session of the Council, in 1098, during the second reading of the Ezhava Bill, Messrs. K. P. Raman Pillai, Member for Quilon taluk, P. Parameswaran, Member, Nominated, and the members of other *misradaya* taluks produced certain petitions signed by the majority of the Ezhava voters of their respective constituencies, strongly

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protesting against the measure and making serious allegations against the working of the Law Committee. About these allegations, Mr. K. P. Raman Pillai is reported to have said in the Council :—

"However the allegation is very serious namely that, when the followers of the mixed system reduced their prayer to writing, appended their signatures to these petitions and presented them to the Committee, tney refused to examine all the signatories but examined only representatives from among them. And in counting the number of witnesses, the Committee excluded all the signatories except those examined by them directly. This is a bit unfair."

Mr. Raman Pillai further suggested that, if such petitioners' names were added, the *misradayees* would have got a vast majority.

I am stating these facts simply to show that *misradayees* as a whole cannot be considered to have favoured the Bill which has now become law, while the majority of them are against *makkathaym* and individual partition.

MR. N. KUMARAN (*Nominated*) : Has the member read the speech delivered by Mr. K. P. Raman Pillai on the very next day in this Council saying that he cannot vouch for the accuracy or genuineness of even one signature in the petition he presented to the Council and that he got all these petitions only through the anchal ?

MR. R. PADMANABHAN (*Nominated*) : Yes, I have read all that.

MR. K. MADHAVAN PILLAI (*Trivandrum* cum *Neduvangad*) : Who was the President of the Law Committee ?

MR. R. PADMANABHAN (*Nominated*) : Mr. Bhutalingam Aiyar.

The consequences of Parts IV and VII of the Regulation are far-reaching. It allows individual partition—a dismal state of affairs to many long-standing *tarwads*. The Law Committee provided in the Bill that only the whole of the acquisitions made *after* the commencement of the Regulation shall go to the children and that those made *till* the date on which the Regulation came into force shall be equally divided between the children and the nephews. The Select Committee said that it was impracticable, and provision was therefore made that *all* acquisitions made before *or* after the commencement of the Regulation shall go exclusively to the children. In short, the Regulation has dealt a sudden and severe blow to the corporate life of the Ezhavas who were peacefully following a law recognised by immemorial customs and usage.

They never wanted the innovation provided by the Regulation. It was the *marumakkathayam* Ezhavas that stood in need of a change in their system of inheritance by which the children of an acquirer were not entitled to *any* share in his acquisitions.

With a view to enlist the sympathy of all *makkathayees* the, anti-*misradayees* argue that the *misradayees* are deadly against *makkathayam*. I may add in this connection that, practically speaking, the *misradayees* are *makkathayees*. If there was any community in Travancore which recognised the principle that the children of an acquirer should

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be entitled to his acquisitions, it was the *misradaya* Ezhava, with this distinction, that a small portion is set apart for the benefit of his mother and children. This distinction, nevertheless, entitles them to the name of *makkathayees*, in view of the fact that other communities such as Mahomedans, who recognise those other than wife and children as heirs, are undoubtedly regarded as *makkathayees* This well-known custom has been in existence for many centuries and has mainly contributed to the solidarity and general welfare of the *misradayees*—an essential and distinguishing feature from the *marumakkathayees*. No *misradayee* will admit that his system of inheritance is in any way detrimental to his material advancement. No doubt in rare cases disputes occur in connection with division between children and nephews, but not so disastrous and multifarious as those that result from individual partition.

It is a sad misfortune and a sorely miserable plight indeed for a society to fall a victim to the cruel clutches of the legislature which indulges in compulsory social legislation. A willing subject of such legislation cannot adequately gauge the depth of remorse and moral depression and misery to which the unwilling, protesting one is subjected.

The *misradayees* never asked for *makkathayam* and individual partition. By *misradayees*, I mean, those who want *misradayam*. The general sense of the particular community in regard to the introduction of an innovation in the customary law should be ascertained from the wish of such people as really suffer by that innovation and not from the wish of those who actually gain.

There are a great number of *tarwads* that really suffer on account of Section 33 of the Ezhava Regulation. In all *misradaya* taluks, there are a good many persons who do not at all want any change and who feel that Section 33, which was intended to give protection to them, has proved to be a source of real hardship. They were trying to extricate themselves from the operation of this Regulation. Ever since the enquiries began to be made in their taluks, they realised the fact that the members of the Enquiry Committee were found to be zealously inclined to introduce *makkathayam* and individual partition into the community whatever may be the wishes of the whole people concerned.

It is as if with a vengeance that the fathers of the Regulation persisted still in their attempt to fit a square man into a round hole by refusing to give exemption to the mass of unwilling subjects.

"Why not you go and apply for exemption if you are so much aggrieved," you may ask. I may answer that, in these *misradaya* taluks, they form the majority. It was on account of the fact that they are a great many in number that they approached Government for amending the Section. They had been receiving such encouraging hopes from Government that they hope to get the Section amended before the expiry of the statutory period of six months from the commencement of the Regulation. From the allegations contained in the petition presented to this Council to-day by myself and some other members—I may be permitted to refer to the petition I am presenting—this Council can

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fathom the depth of the grievance of the community in getting themselves exempted by the means suggested by the Section. The plain blunt *misradayees* consider it as dishonourable to make their females appear before a public officer simply for the purpose of continuing to follow their time-honoured customary law. Why should they be made to suffer such a penalty? Is it a fault or is it an offence to desire to follow one's own customs and usages which have obtained the recognition of the judicial tribunals of the State? Is it not reasonable to ask the party who desire change to apply for it, when you are not sure which of the two has got a decent majority?

The view that, among the *misradayees*, those who want the *misradayam* form the majority can be proved from the Law Committee's Report itself.

MR. K. SIVARAMA PANIKKAR (*Shertallai*): May I know if there are *misradayees* still existing, that is to say, even after the law has been passed, that is even after the Regulation III of 1100?

MR. R. PADMANABHAN (*Nominated*): Yes.

MR. K. SIVARAMA PANIKKAR (*Shertallai*): By law?

MR. R. PADMANABHAN (*Nominated*): Yes. (*Laughter.*) No, no, not by law. The name remains as *misradayee*, although they are not strictly called *misradayees*.

RAO BAHADUR K. V. RANGASWAMI AIYANGAR (*Principal, College of Arts*): May I know whether a statutory period of six months has not been given which has not yet expired, within which the community has the freedom to declare that it adheres to its old *misradayam*? In other words, has the period of six months within which the *misradayees* might register their desire to depart from this Regulation expired?

MR. R. PADMANABHAN (*Nominated*): I do not understand the question.

RAO BAHADUR K. V. RANGASWAMI AIYANGAR (*Principal, College of Arts*): The Ezhava Regulation gave a period of six months after the passing of that Regulation within which it was open for the members of the *misradaya* community to ask for exemption? Has that period expired?

MR. R. PADMANABHAN (*Nominated*): No.

MR. K. SIVARAMA PANIKKAR (*Shertallai*): May I know if he knows whether any such applications have been registered by this time for exemption?

MR. R. PADMANABHAN (*Nominated*): No. I shall explain it.

RAO BAHADUR K. V. RANGASWAMI AIYANGAR (*Principal, College of Arts*): May I know whether within that period of six months it is obligatory for a person to register his desire on any day excepting the last day?

MR. R. PADMANABHAN (*Nominated*): It is not obligatory.

Appendix VIII will show that, out of 263 witnesses examined from among the *misradayees*, only so many as 138 witnesses agreed to giv

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the whole acquisitions to the wife and children and 125 persons were willing to give only half, or more than half, of the acquisitions to the wife and children according to their customary law. From this, it is seen that the number of those who want *makkathayam* is only greater by 13 than the number of those who wanted *misradayam*. Appendix VI of the Report shows that 3,051 *misravazhi* people have put in 73 memos before the Enquiry Committee. In calculating the number of witnesses, the signatories to these memos were excluded and the Bill was drafted quite in disregard of the wishes of such a fair majority of *misradaya* Ezhavas The explanation they give is that some prominent men have changed their opinion since. But, as a matter of fact, I know that some among the witnesses who advocated full *makkathayam* have subsequently executed wills and settlement deeds in favour of their *anandaravars*. The dumb masses, however, still remain the same as ever. They are unable to make loud noise in the press and on the platform. They have not acquired the proficiency successfully to advertise their grievances so as to attract the sympathy of those concerned. On that account they are misrepresented to be a microscopic minority by the opposite party. The persons who signed the petition to be presented by me before the Council to-day are just now present in this Hall and outside it, very anxiously awaiting the result of the deliberations now going on here. Their number bears only a very small proportion to the vast number of *misradayees* anxiously waiting at home. The members of this House were visited by these people. Those of them who saw these people can testify to the fact that more than 80 per cent. of them are young men of respectable calling.

MR. C. P. THOMAS (*Nominated*): May I know how many men have signed the petition?

MR. R. PADMANABHAN (*Nominated*): 330 men. There are no women who have signed it; and its signatories are present here.

MR. N. KUMARAN (*Nominated*): May I ask what proportion these 330 persons bear to the total *misradaya* population?

MR. R. PADMANABHAN (*Nominated*): I admit it is only a very small proportion.

MR. K. MADHAVAN PILLAI (*Trivandrum* cum *Neduvangad*): May I know what is the strength of the population of the *misradaya* community?

MR. R. PADMANABHAN (*Nominated*): Nearly two lakhs.

Section 33 was provided on the assumption formed by the last Council from the representation submitted by the members of the opposite party that those who really wanted to get out of the operation of Parts IV and VII of the Regulation were a handful—a microscopic minority. I now say that that assumption was based on a mere travesty of facts. The petition I am presenting before this Council to-day will be sufficient proof to show that what the last Council was made to believe was not the actual state of affairs.

Just imagine the effect of forcing a large number of people against their will to comply with the provisions contained in Section 33. Many

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of them will be forced to accept the destructive law, rather than apply for exemption, with heart-burnings and dissatisfaction. Does the good sense and responsibility of this House permit it to regard this matter as unworthy of being interfered with? Sir, may I make an appeal to the members of this House who are here to represent and safeguard the interests of our benign Sovereign and subjects of this State? This is a struggle for existence in which a good many subjects of His Highness the Maha Raja are *forced* to relinquish their traditional customs and usages *against* their will.

The Regulation was passed; the *misradayees* were left in the cold; nay, they were punished by way of having to undergo the tedious and unworkable procedure prescribed in Section 33 for securing exemption. They unceasingly complained to Government. Fortunately for them, eleven honourable members of this House thought it their duty towards this suffering humanity to recommend to Government the necessity of granting their prayer for amending Section 33 in the way in which they wanted it. Of these honourable gentlemen, four are natives of Chirayinkil taluk and all the rest but one are residents of other *misradaya* taluks. As the result of their close contact with the *misradayees*, they became convinced of the genuineness of the grievance. They have thus become the virtual godfathers of my Bill. I am asked by my community to express to every one of them the community's heart-felt thanks. They are Messrs. M. Sivatanu Pillai, M. Subrahmanya Pillai, M. N. Pillai, K. P. Nilakanta Pillai and S. Subrahmanya Karayalar, being the elected members for Tovala and Agastisvaram taluks, Trivandrum town, Chirayinkil, and Shencotta and Pattanapuram taluks respectively; Mr. Piraviperumal Pillai of Trivandrum, being the Commerce member of the south, Mr. S. Gnana Joshua of Trivandrum, Sahib Bahadur Habeeb Mahomed, a native of Chirayinkil taluk, Mr. Kerala Varma Koil Tampuran of Kilimanur Palace and Mr. Tuppan Namburipad are also entitled to our gratitude.

MR. N. KUMARAN (*Nominated*): May I know whether Mr. Padmanabhan convinced these gentlemen by arguments or facts and figures?

MR. R. PADMANABHAN (*Nominated*): No, *I* did not convince them. But those who had grievances convinced them and they have signed the petition.

MR. M. N. PILLAI (*Trivandrum*): May I know from Mr. Padmanabhan whether there was any undertaking at the time when the signatures were put in?

MR. R. PADMANABHAN (*Nominated*): No, I was not present when the signatures were put in.

Although the partisans of the opposite camp, that is the anti-*mirsadayees*, have come out with their usual weapons of false and inflammatory and threatening statements and are trying their level

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best for inducing the abovesaid honourable members to give up their support to our righteous cause, I have no doubt, and my community has no doubt, that these honourable gentlemen are too honourable to deviate from their opinion once clearly expressed.

MR. N. KUMARAN (*Nominated*) : May I know what opinion they expressed—whether the Bill ought to be *passed* or whether the Bill ought to be *introduced* into the Council ?

MR. R. PADMANABHAN (*Nominated*) : They recommended to Government that our prayer is reasonable and that an amendment should be brought in and got passed. That was their request.

MR. K. SIVARAMA PANIKKAR (*Shertallai*): Was there any undertaking ?

MR. R. PADMANABHAN (*Nominated*) : No undertaking, Sir. Fortunately again for us, there are in this new Council members of Neyyattinkara and Kottarakara taluks who had earnestly pleaded the *misradaya* cause in the old Council. Of them again Mr. G. Parameswaran Pillai, the member for the Neyyattinkara taluk, assured his full support to this Amending Bill, provided I would introduce it. That assurance has proved a tower of strength to my cause. The member for the Quilon taluk—though Quilon is the headquarters of the opposite camp which is assisted mostly by persons belonging to pure *marumakkathayam* taluks—I have no doubt, will tell this House that some of the leading *misradaya* gentlemen of his taluk headed by that venerable landlord Kamanad Sankaran Kochukunju Chanar of Kilikollur, Quilon, who is the owner of a wealthy Devaswom known as Trikkaruva Devaswom of Trikkadavur *Pakuthi*, requested him in plaintive tones to support the *misradaya* cause.

MR. N. KUMARAN (*Nominated*): May I ask a question ? Does my friend know that in his very house individual partition has taken place ? His family consists of two branches. My question is whether the branch, to which of course he does not belong, did, since the Regulation has come into force, apply for exemption.

MR. KAYYALAM PARAMESVARAN PILLAI (*Ag. Additional Head Sirkar Vakil*): Sir, this is a question of the nature of a cross-examination on an individual's private affairs, which is not in order in this House. This is the Standing Order on the point :

"When for the purposes of explanation during discussion or for any other sufficient reason, any member has occasion to ask a question of another member on any matter then under the consideration of the Council, he shall ask the question through the President."

The question that is asked must be for the purposes of explanation and must be on the subject matter under consideration. Otherwise it is out of order.

MR. N. KUMARAN (*Nominated*) : I submit I am in order. The member was referring to that particular gentleman and I asked a question on that subject.

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PRESIDENT: But the member went into questions of the mover's family and the private arrangements made between members of the family, which are entirely irrelevant to the subject-matter of consideration here.

MR. N. KUMARAN (*Nominated*): I did not.

PRESIDENT: I understood so.

MR. N. KUMARAN (*Nominated*): He was referring to one particular gentleman in this Council and saying that he was an ardent supporter of *misradaya*. I was just mentioning these circumstances to him to show that the facts were to the contrary.

MR. R. PADMANABHAN (*Nominated*): That gentleman told me personally that his family consists of four hundred persons and that all the four hundred persons are against *makkathayam* and individual partition. That is the information that I have.

Several other friends in this House have also, I have reasons to believe, been convinced of the justness of my Amending Bill. Mr. Subba Aiyar, the Deputy President, has already, during the third reading of the Ezhava Bill, stated in the open Council that he would support an Amending Bill if introduced by a non-official gentleman. Under these auspices, I venture to introduce this Bill although it is the duty of Government to have introduced it as a Government measure. I venture to hope that the present Law Member, who has had better opportunities to study the question,—

MR. K. K. THOMAS (*Kottayam*): Better than whom?

MR. R. PADMANABHAN (*Nominated*): Better than myself. He is more closely acquainted with the necessity of coming to our help and will not fail to support me with the weight of his opinion. I feel confident that the spirit of impartiality and sense of justice and equity which has characterised my honourable friends will stand in good stead in viewing my cause. All the honourable friends have come here with an open mind and are entirely unbiassed. I make myself therefore bold to appeal to their fair-mindedness and venture to hope that my cause is safe in their hands. I would therefore once more appeal to the sense of justness and fair-play of the whole House—the non-official as well as the official section.

MR. A. K. PILLAI (*Karunagapalli*): May I ask the member before he resumes his seat whether there is any inter-marriage between *misradayees* and *marumakkathayees*?

MR. R. PADMANABHAN (*Nominated*): No marriage relation between *misradayees* and *marumakkathayees*.

MR. CHANGANACHERY K. PARAMESVARAN PILLAI (*Quilon*): May I draw the attention of the member to the family which he mentioned, *viz.*, Alummutil Chanar. Has it not marriage relations with a *marumakkathaya* family, Kamanad in Kilikollur, Quilon?

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MR. R. PADMANABHAN (*Nominated*): I did not mention anything about the customs south of Quilon.

MR. K. K. THOMAS (*Kottayam*) : Are the Ezhavas pure *marumakkathayees* ?

MR. R. PADMANABHAN (*Nominated*) : No.

MR. N. KUMARAN (*Nominated*) : May I ask the member if he thinks that Mr. Subba Aiyar had agreed to introduce a Bill ?

MR. R. PADMANABHAN (*Nominated*): He did not agree. But he said that, if he came as a non-official member, he will introduce a Bill. I shall read his speech if necessary.

MR. V. SUBBA AIYAR (*Nominated*) (*Deputy President*) : May I request Mr. Padmanabhan to read that particular portion of my speech, because I fear he did not quote me properly ?

MR. R. PADMANABHAN (*Nominated*) : It is not in one place alone that he has referred to it. There are so many places in which he has referred to that.

PRESIDENT : Mr. Padmanabhan, what Mr. Subba Aiyar asks is that you read that particular portion of his speech wherein he has agreed to introduce a Bill.

MR. R. PADMANABHAN (*Nominated*) : His speech is contained on page 1088, Volume VI, No. 15 of the Legislative Council Proceedings :

"I may tell him that, if I happen to be a non-official member in the next Council and if he will convince me as to the necessity for that amendment, I shall help him as far as I can."

MR. V. SUBBA AIYAR (*Nominated*) (*Deputy President*) : The most important thing has been omitted by Mr. Padmanabhan *viz.* "*if he will convince me as to the necessity for that amendment.*" (*Laughter.*)

MR. R. PADMANABHAN (*Nominated*) : Yes, I shall convince the member.

MR. K. MADHAVAN PILLAI (*Trivandrum* cum *Neduvangad*) : As regards the Enquiry Committee, may I ask the member if the President was not a Brahmin gentleman.

MR. R. PADMANABHAN (*Nominated*) : Yes.

MR. K. MADHAVAN PILLAI (*Trivandrum* cum *Neduvangad*) : Was he not occupying a position as District Judge ?

MR. R. PADMANABHAN (*Nominated*) : Yes.

MR. K. SIVARAAMA PANIKKAR (*Shertallai*) : Were there not *misradayees* in the Committee?

MR. R. PADMNABHAN (*Nominated*) : Yes.

MR. A. K. PILLAI (*Karunagapalli*) : Are there *misradayees* who favour this Bill ?

MR. R. PADMANABHAN (*Nominated*) : Yes, there are many. 330 persons have signed the petition.

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MR. A. K. PILLAI (*Karunagapalli*) : I mean, are there *misradayees* who favour the Regulation being amended by the proposed Bill ? And does the member know that, under Section 32, the rights of the children to the father's property are also defined in the Regulation?

MR. R. PADMANABHAN (*Nominated*) : Yes.

MR. A. K. PILLAI (*Karunagapalli*) : Does the member only express a doubt or does he assert that there is no marriage relation between a *misradayee* and a *marumakkathayee*?

MR. R. PADMANABHAN (*Nominated*) : So far as the custom obtaining in my taluk is concerned, there is not a single marriage. But as regards Quilon and other adjoining places, I do not know whether there are any.

MR. A. K. PILLAI (*Karunagapalli*) : May I ask whether there are *misradayee* members outside his taluk ?

MR. R. PADMANABHAN (*Nominated*) : Yes.

MR. K. SIVARAMA PANIKKAR (*Shertallai*) : May I ask the member whether he has brought forward this amendment as the representative of the *misradayees* generally or as the representative of the *misradayees* of his taluk ?

MR. R. PADMANABHAN (*Nominated*) : As a representative of the *misradayees* who want to continue to be *misradayees*.

MR. K. SIVARAMA PANIKKAR (*Shertallai*) : *Misradayees* of the State or of his particular taluk ?

MR. R. PADMANABHAN (*Nominated*) : Of the whole State.

MR. M. SIVATANU PILLAI (*Tovala*) : May I ask whether there was any representation made to the Government *against* the nomination of certain members in the Enquiry Committee ?

MR. R. PADMANABHAN (*Nominated*): At the time when the Enquiry Committee was sitting, there was no reason to doubt their impartiality.

MR. M. SIVATANU PILLAI (*Tovala*): May I know when it was disclosed?

MR. R. PADMANABHAN (*Nominated*) : When they were examining the witnesses, and after they had published their report.

MR. M. SIVATANU PILLAI (*Tovala*) : Even after that, was there any representation to the effect that the members were there with a biassed view?

MR. R. PADMANABHAN (*Nominated*) : No, so far as I know.

MR. K. MADHAVAN PILLAI (*Trivandrum* cum *Neduvangad*) : May I know roughly how many *misradayees* there are in the Trivandrum taluk supporting his view ?

MR. R. PADMANABHAN (*Nominated*) : More than 200 families.

MR. K. MADHAVAN PILLAI (*Trivandrum* cum *Neduvangad*) : Are they included among the signatories to the petition ?

MR. R. PADMANABHAN (*Nominated*) : Some of them have been

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Mr. R. Padmanabhan then presented a petition to the President.

PRESIDENT : I shall ask the Secretary to read out the petition to the House.

The Secretary to the Legislative Council then read the following petition ;

"തിരുവിതാംകോട്ട നിയമസഭയിലെ ബഹുമാനപ്പെട്ട
മെംബർമാർ അവർകളെ

വിനയബഹുമാനപുരസ്സരം നിയമസഭാചട്ടങ്ങളിൽ നൂറാം ചട്ടം
അനുസരിച്ചു ബോധിപ്പിക്കുന്ന

ഹർജി.

വിഷയം:—ഈഴവറെഗുലേഷനെ ഭേദപ്പെടുത്തുന്നതിനുള്ള അമെ
ണ്ട്മെണ്ട് ബിൽ.

ഞങ്ങളം മിശ്രദായ ഈഴവസമുദായത്തിൽ പെട്ടവർ ആകുന്നു. ഇ
പ്പോൾ നടപ്പിൽ വന്നിരിക്കുന്ന ഈഴവറെഗുലേഷനിൽ വസ്തുവിഭാഗത്തേ
യും ദായക്രമത്തേയും പറ്റിയുള്ള വ്യവസ്ഥകൾ പുരാതനവും പൂജ്യവും
സകല കോടതികളാലും സമ്മതിക്കപ്പെട്ടിരിക്കുന്നതും ആയ ഞങ്ങളുടെ
ദായക്രമത്തിനു മൂലഹേതുകമായി തീർന്നിരിക്കുന്നു. ഈ വിധം സമൂലക
മായ മാറ്റം വരുത്തുന്ന ഒരു നിയമം ഞങ്ങൾക്കു ഉണ്ടാക്കിത്തരണം എ
ന്നു ഞങ്ങൾ ഗവർമെണ്ടിനോടു ഒരിക്കലും ആവശ്യപ്പെട്ടിട്ടില്ലാ, എന്നു
മാത്രമല്ലാ ഈ വിധം റെഗുലേഷനിൽ ഞങ്ങളെ ബന്ധിപ്പിക്കരുതേ എന്നു
ഞങ്ങൾ തുടരത്തുടരെ—ഈഴവലാക്കമ്മിറ്റി രൂപിച്ച കാലം മുതൽ—
പരാതിപറഞ്ഞും വന്നിരിക്കുന്നു.

ഇവയെ ഒന്നും വേണ്ടപോലെ ശ്രദ്ധിക്കാതെ ഈഴവറെഗുലേഷൻ
നടപ്പാക്കിക്കഴിഞ്ഞിരിക്കുന്നു. ഈ റെഗുലേഷനിലെ വ്യാപ്തിയിൽനിന്നു
ഒഴിയണം എന്നു ആഗ്രഹം ഉള്ളവർക്കു അപ്രകാരം ചെയ്യുന്നതിനായി
ഒരു വകുപ്പും (നൂറു-ാംവകുപ്പു) റെഗുലേഷനിൽ ചേർത്തിട്ടുണ്ടെന്നു വരി
കിലും ആ വിധം ഒഴിവു ലഭിക്കുന്നതിലേക്കു അതിൽ വിവരിച്ചിരിക്കുന്ന ന
ടപടിക്രമം വളരെ ക്ലിഷ്ടവും ഉദ്ദിഷ്ടസിദ്ധിക്കു വിഘാതവും ആയിരിക്കു
ന്നതിനാൽ ഞങ്ങൾ മൂന്നു കൊല്ലം കാലമായി അപേക്ഷിച്ചുവന്നിരുന്നതു
പോലെ, മിശ്രദായ ഈഴവസമുദായത്തെ ഒട്ടാകെ റെഗുലേഷനിൽനിന്നു
ഒഴിവാക്കുന്നതിനുവേണ്ടിയും എന്നാൽ മിശ്രദായ തറവാടിനും പുതിയ റെഗു
ലേഷനിൽ ചേരണം എന്നുണ്ടെങ്കിൽ അങ്ങനെ ചെയ്തുകൊള്ളുന്നതിനു

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[Mr. T. P. Ramasubba Aiyar.]

യാതൊരു തടസ്സവും ഇല്ലാതെയും ഒരു അമെണ്ഡ്മെണ്ട് ബിൽ മിശ്രദായ പ്രതിനിധിയായ മെംബർ ശ്രീമാൻ പത്മനാഭൻ കൌൺസിലിൽ ഹാജരാക്കിയിരിക്കുന്നു. അതിനെ ഇപ്പോഴത്തെ യോഗത്തിൽതന്നെ നിങ്ങൾ അനുവദിപ്പിച്ചുതരുന്നതിനു ദയവുണ്ടാകണമെ എന്നു അപേക്ഷിക്കുന്നു. ഈ വിധം കാരുണ്യം ഞങ്ങളുടെ നേർക്കു നിങ്ങൾ കാണിക്കുന്നതുകൊണ്ടും ഞങ്ങൾ സാധുക്കളും കഷ്ടനിവൃത്തി ലഭിക്കേണ്ടവരും ആണെന്നുള്ളതിലേക്കു ഏതാനും സംഗതികൾ വളരെ ചുരുക്കത്തിൽ അറിയിക്കുന്നു.

ഈഴവരുടെ വിവാഹം ദായക്രമം മുതലായവയെ നിയന്ത്രിക്കുന്ന ഒരു നിയമം ഉണ്ടാക്കേണ്ടതാണെന്നു ഏതാനും പ്രമുഖന്മാർ, ഈഴവപ്രതിനിധികൾഎന്ന നിലയിൽ ഫ്രഞ്ച് കൊല്ലങ്ങൾക്കുമുമ്പു ഗവർമ്മെൻറിൽ അപേക്ഷിച്ചു. ഈ നിയമം ഇന്നവിധത്തിൽ ആയിരിക്കണം എന്നു ഇവർ സ്വയമേവ കല്പിച്ചു നിശ്ചയിച്ചും ഇരുന്നു. ഇതു സംബന്ധിച്ചു ജനാഭിപ്രായം ശേഖരിക്കാനായി ഒരു കമ്മിറ്റി ഗവർമ്മെണ്ടു നിയമിച്ചു. അതിലെ പ്രധാനാംഗങ്ങൾ മേല്പറഞ്ഞ നേതാക്കൾതന്നെ ആയിരുന്നു. ഈ കമ്മിറ്റി ഇവരുടെ സൃഷ്ടിക്കു അനുകൂലമായ ജനാഭിപ്രായങ്ങളെ മാത്രം ശേഖരിച്ചു. ഇവരുടെ പോക്കു മിശ്രദായത്തിനു പ്രതികൂലം ആണെന്നു ഞങ്ങൾ ഗ്രഹിച്ചപ്പോൾ "മിശ്രദായ"ക്രമത്തിൽ യാതൊരു മാറ്റവും ചെയ്യുന്നതിനു ഞങ്ങൾക്കു മനസ്സില്ലാ എന്നുള്ള ഞങ്ങളുടെ അഭിപ്രായത്തെ ന്യായമായവിധത്തിൽ ഞങ്ങൾ കമ്മിറ്റിയെ ധരിപ്പിച്ചു. കൊല്ലം, ചിറയിൻകീഴ്, തിരുവനന്തപുരം മുതലായ തെക്കൻ ദിക്കുകളിൽകമ്മിറ്റി സാക്ഷിവിസ്താരം നടത്തിവരുന്ന മദ്ധ്യേ തങ്ങളെ വിസ്തരിച്ചു തങ്ങളുടെ അഭിപ്രായം രേഖപ്പെടുത്തണം എന്നു ഞങ്ങളിൽ അനേകം പേർ കമ്മിറ്റിയുടെ മുൻപാകെ ഹാജരായി ബോധിപ്പിച്ചു. ഞങ്ങളുടെ അഭിപ്രായം രേഖപ്പെടുത്തിപ്പോയാൽ മേല്പറഞ്ഞ ഈഴവമെംബറന്മാരുടെ മനസ്സുഷ്ടിയായ നിയമം ഉടനടി ശിഥിലം ആയിപോകും എന്നു അവർ ന്യായമായി ആശങ്കിച്ചുകൊണ്ടു വിസ്തരിക്കാനായി സ്വയം അപേക്ഷിച്ച ഈഴവ മഹാജനങ്ങളെ വിസ്തരിക്കാതെ ചതിവാക്കുപറഞ്ഞു കബളിപ്പിച്ചയച്ചു. അനേകായിരം മിശ്രദായികൾ സ്വാഭിപ്രായം വെളിപ്പെടുത്തി ഒപ്പിട്ടു ഹർജികൾ അയച്ചിരുന്നിട്ടും മേൽപ്പറഞ്ഞ ഈഴവ മഹാന്മാരുടെ ഉപദേശത്തിനു വശപ്പെട്ട കമ്മിറ്റി അവയെനിസ്സാരമാക്കി ഉപേക്ഷിച്ചു. ഇപ്രകാരം ഉപേക്ഷിച്ച വിവരം കമ്മിറ്റിയുടെ റിപ്പോർട്ട് വെളിവായി വളരെക്കാലം കഴിഞ്ഞതിൽപിന്നീടുമാത്രമേ ഞങ്ങൾ അറിയാൻ ഇടയായു

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ള്ള. അതുകൊണ്ടു മിശ്രദായത്തിൽ വല്ല മാറ്റവും വരുത്തുന്നതിൽ വിമനസ്കരും വിരുദ്ധാഭിപ്രായക്കാരും ആയ ഞങ്ങൾക്കു സംഖ്യാബലം അനല്പം ആയി ഉണ്ടായിരുന്നിട്ടും ആ വസ്തുത വെളിയാകാൻ ഇടയായില്ല, എന്നു മാത്രമല്ലാ, ഞങ്ങളിൽ അനേകംപേർ മിശ്രദായപ്രതിക്രുലികളാണെന്നു കളവായി കമ്മിറ്റി പ്രസിദ്ധപ്പെടുത്തുന്നതിനും ഇടയായി. മേല്പറഞ്ഞ ഈഴവ മഹാന്മാരിൽനിന്നു ഈ വിഷയത്തിൽ ഞങ്ങൾക്കുപറ്റിയ ഒന്നാമത്തെ വൻചതി ഇതായിരുന്നു.

കമ്മിറ്റിയുടെ ഉപദേശംഅനുസരിച്ചു ഈഴവബിൽ നിയമസഭയിൽ വന്നപ്പോഴും ഞങ്ങൾ പ്രതിഷേധം പ്രകടിപ്പിച്ചു. ബില്ലിന്റെ രണ്ടാം വായന നടന്നകാലത്തു ഞങ്ങളുടെ പ്രതിഷേധത്തേയും, ഈ ബില്ലിൽനിന്നു ഞങ്ങളെ ഒഴിക്കണം എന്നുള്ള അപേക്ഷയേയും വിവരമായി കാണിച്ചു ഞങ്ങൾ മിശ്രദായ താലൂക്കുകളിലെ പ്രതിനിധികൾ ആയ കൌൺസിൽ മെംബർമാർവഴി അയച്ചിരുന്നു. ആ ബഹുമാനപ്പെട്ട കൌൺസിൽ മെംബർമാരിൽ ഓരോരുത്തനും ഞങ്ങളുടെ അഭിപ്രായത്തെ വിശദപ്പെടുത്തി സഭയിൽ അറിയിച്ചു. ഇതു അന്നത്തെ കൌൺസിൽ പ്രൊസീഡിംഗ്സിൽനിന്നു വ്യക്തം ആകുന്നു. ഈ അവസരത്തിലും ഞങ്ങളുടെ എതുകക്ഷിയായ കൌൺസിൽ മെംബർമാർ ഞങ്ങളുടെ ഹർജിയും വിശ്വാസയോഗ്യങ്ങൾ അല്ലാ എന്നു വാദിച്ചു.

ആ അവസരത്തിൽതന്നെ പല താലൂക്കുകളിൽനിന്നും മുന്നൂറോളം മിശ്രദായികൾ കൌൺസിൽഹാളിൽവെച്ചു അന്നത്തെ ദിവാൻജിയെ സന്ദർശിച്ചു സങ്കടം അറിയിച്ചു. ഞങ്ങളുടെ പുരാതനമായ മിശ്രദായത്തിനു യാതൊരു മാറ്റവും ചെയ്യുന്നതിൽ ഞങ്ങൾക്കു മനസ്സില്ലാ എന്നു അദ്ദേഹത്തിനു ബോദ്ധ്യം വരികയും ഞങ്ങളുടെ അപേക്ഷയ്ക്കു വിരുദ്ധമായി നിയമംഉണ്ടാകയില്ലാ എന്നും, അഥവാ കൌൺസിലിൽനിന്നു അപ്രകാരം ചെയ്യാൻ ഇടവന്നുപോയാലും വലിയതമ്പുരാൻ തിരുമനസ്സിൽ ഉണർത്തിച്ചു ഞങ്ങളുടെ അപേക്ഷയെ സാധിച്ചുതരുന്നതാണെന്നും അദ്ദേഹം ഞങ്ങളോടു പറഞ്ഞു എന്നുവരികിലും അന്നുണ്ടായ ജനക്രൂട്ടം മിശ്രദായക്കാരുടെ ക്രൂട്ടമേ അല്ല എന്നുകൂടി നിയമസഭയിൽവച്ചു ആ മഹാനായ എതുകക്ഷി ഈഴവമെംബർ വാദിച്ചു.

അതിൽപിന്നീടു ഓരോ അവസരത്തിലും ഈ വിധം അസത്യപ്രചാരണങ്ങൾ എതുകക്ഷികൾ നിർല്ലജ്ജം പ്രചരിപ്പിച്ചുവന്നു.

ഞങ്ങളുടെ വാദങ്ങളെ വേണ്ടപോലെ ശ്രദ്ധിക്കാതെ ഞങ്ങൾക്കു അനുഗ്രഹംനൽകുന്നു എന്നുള്ള ഭാവത്തിൽ ഇപ്പോഴത്തെ നമ്പൂരിവകുപ്പു കൌൺസിൽ അനുവദിച്ചു.

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[Mr. T. P. Ramasubba Aiyar:]

ഈ വകുപ്പുനിമിത്തം ജനിച്ചിട്ടുള്ള സങ്കടത്തിൽനിന്നു നിവൃത്തി ആലോചിക്കാനായി ഞങ്ങളിൽ രണ്ടായിരത്തോളം ജനങ്ങൾ ഹൈക്കോടതി ജഡ്ജിയായിരുന്ന ശ്രീമാൻ കെ. ജി. ശേഷയ്യർ അവർകളുടെ അദ്ധ്യക്ഷത്തിൽ തിരുവനന്തപുരം ജൂബിലിടൌൺഹാളിൽ കഴിഞ്ഞമകരത്തിൽ ഒരു മഹായോഗം കൂടി. ഈ യോഗത്തിൽ സന്നിക്കാനായി കൊല്ലംമുതലായ സ്ഥലങ്ങളിൽനിന്നു വരാൻ ഒരുങ്ങിയിരുന്ന അനേകം പേരെ ഈവിധംയോഗം മാറ്റിവച്ചിരിക്കുന്നു എന്നുകളവ് പറഞ്ഞു എതൃകക്ഷിക്കാർ തിരിച്ചയച്ചു.

സങ്കടക്കാരായ മേൽപറഞ്ഞ രണ്ടായിരത്തോളം ജനങ്ങളെ ഒന്നുകൂടി നേരിട്ടു കണ്ടു അവരുടെ സങ്കടത്തെ അറിയണം എന്നുകരുതി അന്നത്തെ ദിവാൻ രാഘവയ്യാ അവർകൾ അന്നു ഞായറാഴ്ചയായിരുന്നിട്ടും ഹജൂർകച്ചേരിയിൽ ഞങ്ങൾ ചെല്ലണം എന്നു ആജ്ഞാപിച്ചിരുന്നു. ഈവിധം ദിവാൻജി ആജ്ഞാപിച്ചിട്ടേയില്ലാ എന്നു ഈ അവസരത്തിലും എതൃകക്ഷിക്കാർ കളവുപറഞ്ഞുഞങ്ങളിൽ ചിലരെ തെറ്റിക്കാൻ ശ്രമിച്ചു. ആ ശ്രമം വിഫലമായി. ഞങ്ങളുടെ സങ്കടത്തിന്റെ ആധിക്യം അന്നു ആ ദിവാൻജിക്കും അന്നു ആ രണ്ടായിരം പേർക്കും ദർശനം നൽകി അനുഗ്രഹിച്ച മഹാരാജാജി തിരുമനസ്സിലേ ബോധ്യം വന്നു.

അന്നത്തെ യോഗത്തിൽ നിശ്ചയിച്ച തീർപ്പുനിശ്ചയം അനുസരിച്ചു മിശ്രദായക്കാരെ ഒട്ടാകെ അന്നത്തെ ഈഴവബില്ലിൽ പ്രതിഷിദ്ധഭാഗങ്ങളിൽനിന്ന് ഒഴിവാകത്തക്കവണ്ണം ഒരു അമൻറ്മെൻറ് ഞങ്ങൾക്കു ലഭിക്കും എന്നു ഞങ്ങൾ ശ്രുശ്രൂഷിച്ചിരുന്നു. പക്ഷെ ഈ പ്രതിക്ഷിതമായ സങ്കടനിവൃത്തി മൂന്നാം വായനാവസരത്തിനടുത്തു യാദൃച്ഛികമായി ജനിച്ചതായ ഒരു സംഭവംനിമിത്തം ഗവർണ്മെണ്ടു ഞങ്ങൾക്കു ഉണ്ടാക്കിത്തരാൻ ഇടയാകാതെ പോയി. അതിന്റെ യാഥാർത്ഥ്യം, ഈ സഭയ്ക്കു നല്ലപോലെ അറിയാവുന്നതാകയാൽ അതു വിവരിക്കുന്നില്ല. അന്നത്തെ സഭയും പിരിഞ്ഞു. പുതിയ സഭയും വന്നു. ഇതിൽ ഞങ്ങൾക്കു വിരോധമായി യാതൊരുവിധമായ പൂർവ്വസങ്കല്പവും ഇല്ലാത്ത നിഷ്പക്ഷപാതികളായ മഹാശയന്മാരെ! നിങ്ങളിൽനിന്നു ഞങ്ങൾക്കു രക്ഷകിട്ടും എന്നു ഞങ്ങൾ പൂർണ്ണമായി വിശ്വസിച്ചു പാക്കുന്നു. ഈ പുതിയ കൗൺസിലിൽ "മിശ്രദായവാദ"ത്തിന്റെ പ്രതിനിധിയായി ഒരു മെംബരേയും ഗവർണ്മെണ്ടു നിയമിച്ചിരിക്കുന്നു.

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മിശ്രദായക്കാരായ ഞങ്ങൾക്ക് ഇപ്പഴത്തെ നമ്പ-ാം വകുപ്പിനാൽ ജനിച്ചിരിക്കുന്ന മഹാസങ്കടത്തിനു നിവൃത്തിവരുത്തി കൊടുക്കേണ്ടതാണെന്നു ബോധ്യം വന്നിട്ടുള്ള നിങ്ങളിൽ ഫ ഫ മെംബർമാർ അപ്രകാരംസങ്കടനിവൃത്തിക്കായി ഉടനടി ഒരു അമൈൻറുമെൻറുബിൽ കൌൺസിലിൽ ഹാജരാക്കിച്ചു പാസാക്കേണ്ടതു ഞങ്ങളുടെ നേക്കു ഗവർണ്മെൻറു ചെയ്യേണ്ടതായ മുഖ്യധർമ്മം ആണെന്നു രേഖാമൂലം ഗവർണ്മെണ്ടിനെ ധരിപ്പിച്ചു.

ഈ ഫ ഫ മഹാശയന്മാരിൽ ര പേർ ചിറയിൻകീഴ് താലൂക്കു നിവാസികളും മിശ്രദായക്കാരുമായി ദിവസേന അടുത്തു പെരുമാറുന്നവരുംആണ്. മറ്റു് ആറുമെംബർമാർ മറ്റുമിശ്രദായ താലൂക്കുകളിലെ നിവാസികളും പ്രതിനിധികളും ആണ്. ഇതനുസരിച്ചാണു ഞങ്ങളുടെ പ്രതിനിധിയായ മെംബർ ശ്രീമാൻ പത്മനാഭൻ അമൻഡ്മെൻറ്ബിൽ സഭയിൽ ഹാജരാക്കിയിരിക്കുന്നതു്.

ഇതു മിശ്രദായ വാദികളായ ഞങ്ങൾക്കുവേണ്ട പരിരക്ഷണം എന്നു മാത്രമല്ല മിശ്രദായം വേണ്ടാ എന്നു വാദിക്കുന്നവക്കു യഥേഷ്ടം നടന്നു കൊള്ളുന്നതിനു മതിയായ സ്വാതന്ത്ര്യവും നൽകുന്നു. റെഗുലേഷൻറെ നീതി തത്വത്തിനു യാതൊരു ദോഷവും വരുത്തുന്നില്ല. മിശ്രദായക്കാരുടെ ചിരപ്രതിഷ്ഠിതമായ ആചാരത്തെ സുപ്രതിഷ്ഠിതം ആക്കുന്നേയുള്ളൂ. അങ്ങിനെ സുപ്രതിഷ്ഠിതം ആക്കിത്തരേണ്ടതു നിങ്ങളുടെ കടമയും ആണല്ലൊ.

ഈ അവസരത്തിൽ ഞങ്ങളുടെ എതൃകക്ഷികൾ അനേകവിധം വ്യാജപ്രഖ്യാപനങ്ങൾ പ്രചരിപ്പിച്ച മാന്യമെംബർമാരോടു കളവു പറഞ്ഞു ഞങ്ങളെ ദ്രോഹിച്ചവരുന്നു. നിങ്ങളാരും ഈ അമൻറ്മെൻറ്ബില്ലിനെ അനുകൂലിക്കരുതെന്നു സാമ ഭേദ ദണ്ഡ പ്രയോഗങ്ങളാൽ തെറ്റിദ്ധരിപ്പിച്ചവരുന്നു.

ചുരുക്കത്തിൽ ഇപ്പഴത്തെ അമണ്ഡ്മെണ്ടു് ബില്ലിനു അനുകൂലികൾ ആയ മിശ്രദായ കുടുംബങ്ങൾ തുലോം ചുരുക്കമാണെന്നും, അതിനുപ്രതികൂലികൾ വളരെയുണ്ടെന്നും എതൃകക്ഷികൾ ഉൽഘോഷിക്കുന്നു. മഹാന്മാരെ! ഇവരുടെ കപടപ്രയോഗത്താൽ നിങ്ങൾക്കു തെറ്റായ ബോധം വന്നുപോയേക്കുമോ എന്നുള്ള ആശങ്ക ഞങ്ങളെ ബലമായി ബാധിക്കയാൽ മിശ്രദായ താലൂക്കുകളിൽനിന്നു അനേകശതംപേർ—ഈ ബില്ലിനു അനുകൂലികളായ കുടുംബങ്ങളിൽ ചുരുങ്ങിയ ശതാംശം പേരെ ഇവിടെ വന്നിട്ടുള്ളൂ—നിങ്ങളെ കാണുന്നതിനും ആ പ്രത്യക്ഷമാർഗ്ഗത്തിലും ഞങ്ങളുടെ ഈ ബില്ലിനു അനുകൂലവാദക്കാരുടെ—സംഖ്യാബലത്തിൽ ഒരു ചുരുങ്ങിയ അംശംപോലും ഇതു വലുതാണെന്നു നിങ്ങൾക്കു ബോധ്യം വരു

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ത്തുന്നതിനും ആയി തിരുവനന്തപുരത്തു കാത്തുകിടക്കുന്നു. നിങ്ങൾ ദയാദാക്ഷിണ്യം ഞങ്ങളെ ഇന്നലയും ഇന്നുകൂടിയും കണ്ടിരിക്കും എന്നു ഞങ്ങൾ വിശ്വസിക്കുന്നു.

ഞങ്ങളുടെ സങ്കടത്തെ കരുണാപൂർവ്വം നിവർത്തിച്ചുതരണേ! സാധുജനസംരക്ഷണത്തിനായി നിങ്ങൾ കയ്യേറ്റിരിക്കുന്ന ഈ അനർഘമായ നിയമസഭാമെമ്പർ സ്ഥാനത്തിനു അത്യന്തം യോജ്യവും നിങ്ങളുടെ സർവ്വശ്ലാഘ്യമായ മാന്യതക്കു അത്യന്തം ഉചിതവും ആയ മഹാമനസ്കതയെ ഈ അവസരത്തിൽ പ്രയോഗിച്ചു ഇപ്പോൾ കൌൺസിലിൽ കൊണ്ടുവന്നിരിക്കുന്ന അമൻറ്മെൻറ് ബില്ലിനെ അനുകൂലിച്ചു വോട്ടുകൊടുത്തു ഈ മീറ്റിംഗിൽതന്നെ പാസ്സാക്കിച്ചു ഞങ്ങളുടെ സങ്കടത്തിനു നിവൃത്തി വരുത്തിതരണം എന്നു വീണ്ടും ബഹുമാനപുരസ്സരം വിനയമായി അപേക്ഷിക്കുന്നു. ഫ ഫ ാ ഫ-ളുലാം ഉ ാ -ാംനു-."

MR. X. G. LOPEZ (*Nominated*): May I know whether any resolutions against this Bill have been received?

MR. T. P. RAMASUBBA AIYAR (*Secretary to Government*): Several resolutions have been received for and against this Bill.

MR. X. G. LOPEZ (*Nominated*): How many resolutions have been received?

PRESIDENT: The Secretary is not in possession of the House, Mr. Lopez. He was merely reading the petition in his capacity as Secretary.

MR. N. V. JOSEPH (*Parur*): Can I ask Mr. Padmanabhan, as one of the signatories to this Bill, any questions in illustration of this point.

PRESIDENT: I do not think that is strictly in order.

MR. V. SUBBA AIYAR (*Nominated*) (*Deputy President*): I think no debate on the petition is allowed.

RAO BAHADUR K. V. RANGASWAMI AIYANGAR (*Principal, College of Arts*): May I speak?

PRESIDENT: Yes.

RAO BAHADUR K. V. RANGASWAMI AIYANGAR (*Principal, College of Arts*): Sir, after the short explanation which you were pleased to give of the grounds on which the Government permitted this measure to be introduced, it would hardly have been necessary for any elaborate defence of the first reading or the consideration of this measure to be made here by me or by any one else. But this Ezhava Regulation, when it was passed on the last occasion, aroused a considerable amount of strong feeling both inside and outside this Council. Ordinarily, Sir, we members, who constitute what the gentlemen of the other side call the official block, are not obliged to go into the merits of the questions which are placed before us when the Government have taken the responsibility of considering the whole question and deciding the

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matter. But when the Government ask the official members to exercise their individual rights of conscience, a grave responsibility is laid on every official member. It was on the occasion of the laying of such a responsibility on the official side that I felt, on the previous occasion, obliged to scrutinise the Ezhava Law Committee's Report and the provisions of the measure which was then under the consideration of the Council.. At that time, it struck me that, taken as merely an instance of legislative equity, the measure which was then being considered could not be said to satisfy the requirements of modern legislative justice. And, while ordinarily I would have been exceedingly unwilling to intervene in a matter which concerns the private laws and customs of any community other than my own, I felt then that I was bound to intervene sofar as it might be possible for me to do so to the limitation of my strength on behalf of that section which appeared to me to be hit hard by that measure. That was the reason why on the last occasion I pointed out to the Council that the Misradaya section, rather that part of the Misradayees, which still wanted to adhere to their traditional usages, was being treated somewhat shabbily by the legislative measure which was then under consideration. I had to point out what the consequences would be of the Council, consisting largely of non-Ezhava brethren, accepting the principle of coercing unwilling persons, who also form fellow subjects of the State, and compelling them to accept the laws and customs other than those to which they had been accustomed for centuries. On that occasion it was rendered possible at almost the eleventh hour for a kind of compromise to be devised by which some measure of relief was given to what we may call the traditional Misradayees. We are, I may say in passing, seriously impeded by using the terms Misradayees, Makkathayees and Marumakkathayees in our discussions, ignoring the circumstance that the members of these communities have exercised that right of changing their views without changing their names which the members of other communities have also exercised. I am not therefore prepared to say that the Misradayees who want to depart from the traditional *acharams* may be regarded as protoganists of Misradayam. But, whatever it be, a considerable number of persons who have been born as Misradayees, who have been brought up into that *acharam* have changed their views and given up the *acharam*. If my information is correct, a large number of educated men, graduates among them, who were born as Misradayees and who followed that *acharam*, were anxious to secure those changes which were involved in the old Bill. And the greater part of these changes were embodied in the Bill when it became law. That was the condition even though there was a considerable volume of what we may call the old fashioned opinion among the Misradayees strenuously opposed to the comprehension of their section in this legislative enactment, which was to be binding upon all the Ezhavas, Misradayees of the older persuasion as well as the Misradayees of the later persuasion included. At the present moment, the measure which has been introduced by Mr. Padmanabhan voices the discontent manifested on that occasion. I have been asked by my Ezhava friends, who have spoken to me on the subject, to ask myself why it has become necessary to introduce an amending measure so soon after the

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original law itself was passed. As a common sense practice, it seems to be contrary to what we ordinarily term common sense that a legislative measure which has taken such a long time to evolve and was passed only the other day should need revision so soon, particularly in the codification of customary law. This argument which has been put forward has been regarded by the gentlemen who have put it forward as a *clincher*. They seem to have thought that an argument of this nature is practically unanswerable. I notice that the same argument has been put forward as the weightiest in a document with which I have been favoured and which sums up the case *against* Mr. Padmanabhan's measure. There, it is asked, why it is necessary to alter a law which has been passed after the objections to it had been considered in the Council and after the question had been before the public for more than seven years and had been put to successive Councils and passed by one of them. May I point out that an objection of this nature seems to contain a large number of fallacies? It is also very often coupled with a suggestion that there is perhaps no right in the Council to alter a law which has been passed. This is put forward before the Council not merely by Ezhava gentlemen who oppose Mr. Padmanabhan's measure but also by those who have absolutely no personal interest whatever in this measure. May I say that judged purely as a question in regard to the legislative competency of the Council the question does not arise? Repeatedly, in this Council itself, we have had occasion to correct mistakes which had been made. In this particular case, the reason for the justification if I may say so, for Mr. Padmanabhan and for people of his way of thinking asking for the consideration of an amending measure, is the volume of discontent which has been aroused among those who have been affected by the passing of the Ezhava Regulation and by the unsatisfactory character of the compromise which had been brought about in passing that law. Some time ago in answer to one of the numerous interpellations in this House by those who are of the other way of thinking, I understand some questions were put which desired to elicit the admission that the points that had been brought up in the last Council had always been up before the Law Committee. The fallacy of the statement that all these points had been considered by the Ezhava community for about seven years and by the Council is this. It ignores the circumstance that the Ezhava Law Committee made certain proposals embodied in a Bill which was under the consideration of this House, and that it was only as a measure of compromise that section 33 was evolved in this Council and added to that Bill. It could not be fairly argued that the type of compromise which is *now* embodied in the *present* amending Ezhava Bill was put before the community for *seven* years and was considered by *two* Legislative Councils. It was *not* among the things which had been pressed for by the community. I remember quite well that on the previous occasion when I supported the Ezhava member who was in favour of the traditional Misradaya section of the community, he vehemently opposed the passing of this particular section. He wanted the whole Misradaya or nothing at all, and many of us advised him on that occasion that under

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the conditions then existing and with the knowledge or want of knowledge that the House suffered from on that occasion, it was a hopeless case for him to expect anything better than that particular section as it was finally adopted. He was not a party to the compromise, and he stated very loudly that the traditional Misradayee section would not be satisfied with a compromise of that character. That was the position of the old fashioned Misradayee member in this Council on the last occasion. I take it that the speediness with which the amending Bill has been introduced in this Council is an indication of the manner in which the old-fashioned members of the Misradaya community have received the passing of this section 33. You may ask why did not these people wait for some time more to allow the law to come into operation? The answer is simple. They would not agree to the wholesale changing of the customs governing the entire life of the community and governing their methods of holding property and divesting property. It could not be reasonably said that the community may be asked to go through a period of probation, through a period of suffering, and then come forward with prayers for the restoration of their customary law. It is very much better, if the community feels that it has a proper grievance, that its wishes should be brought before a body competent to deal with the measure, and get that body to hear and judge its grievance, rather than run the risk of its being argued that the community has by silence acquiesced in an arrangement which has always been vehemently protested against.

It has been said, Sir, both on the floor of this House and outside, that the provision of the Ezhava Regulation which is contained in this amending Bill is meant for a very small section of the people. I have had the advantage of considering this question and of having spoken not only to Mr. Padmanabhan, who has introduced this measure, but also of having met Mr. Kumaran and tried to ascertain his point of view. In this particular case, I may also say that I do not hold myself pledged to support either Mr. Padmanabhan or Mr. Kumaran. I said to them that I would keep an open mind till the last moment, and I did so, Sir, till your own words were spoken explaining the attitude of the Government in this matter. I have been revolving in my mind the pros and cons of the amending Bill. One point I have taken some trouble to satisfy myself on is this. There is a sufficiently large part of the community, which used to call itself the Misradaya community which is now definitely opposed to the continuance of this unamended Regulation. Six months have not passed by under section 33 for such of the old-fashioned *Misradaya* families as desire to be exempted from the operation of the Ezhava Bill to seek exemption from this provision.

You may next ask, why should not the community avail itself of this compromise as on the last occasion. It was stated on the present occasion that the community feels considerable difficulty in moving the authorities for getting exemption. Sir, in regard to another measure, it was very wisely pointed out that many people have acquiesced in suffering a certain quantum of injustice and inconvenience rather than put themselves to trouble in seeking

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redress against injustice and inconvenience. We all, Sir, do not appeal when we are over-assessed in income tax. We do not go and fight before my friend Mr. Robinson, because the trouble involved in going to Mr. Robinson is not compensated by the small saving that we get eventually. We do the same thing in the case of poramboke encroachment. In the same manner, it could not be argued effectively that these persons, because they did not seek exemption, accepted the justice of the rule or that all people have been alive to what is taking place in the Legislative Chamber. There may be many persons in old-fashioned societies who may not know what is taking place here. And it is not right to expect from these communities any knowledge of the law or the recent alterations in the law. In that case, you cannot say that ignorance of legal changes is one of those things which ought to be penalised. I have therefore great sympathy for the petition which has been submitted by Mr. Padmanabhan. It is not quite right to ask large numbers of a community to come forward and publicly seek exemption, if the seeking of the exemption implies public enquiries in which the women particularly will be asked to go and be cross-examined in the presence of a Magistrate or other authority.

MR. A. K. PILLAI (*Karunagapalli*) : May I know from the member whether this will not apply to the other case also ?

RAO BAHADUR K. V. RANGASWAMI AIYANGAR (*Principal, College of Arts*) : I am not now concerned with the other side. If Mr. A. K. Pillai will permit me the luxury of proceeding with my argument in my own way I shall be quite glad to answer him afterwards.

Well, Sir, this argument which has been put forward in this petition appeals to me. It was pointed out in the statement of objects and reasons to this Bill that legislative fairness requires that the people who want a change should be the persons who must undertake the burden of all the processes involved in securing that change. I think, Sir, this principle is very sound. But sometimes, it may become exceedingly difficult, and practical men are likely to find a difficulty in accepting this principle because the no-changers may be very small in number. And possibily it is a feeling of this nature which is behind the argument and which has prompted the movement for the present change of the law.

I am not called upon to decide this question at this stage. Nor is it very necessary to go into the question when we accept the principle of this Bill. The reason for introducing this Bill is the distinct dissatisfaction of a large section of the community with the relief provided in the existing Regulation. And they want to take the earliest opportunity of asking for a legislative change of a provision introduced by the wisdom of the legislature. They have now set up an agitation merely because they want to apply to the same legislature which passed the old law to come forward and help the community to get out of the difficulty by amending the offending section. That is the reason why I take it that Mr. Padmanabhan has brought

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forward this amendment. To my mind, Sir, not only is it justifiable that an amending Bill of this nature should be brought forward and the proposals for the change most carefully considered *now and here* but that it is exceedingly advantageous that this proposal is brought forward *within* the period of six months. What is to become of the community if the period of six months expires? On the last day they might go in a body and ask for an exemption. They are now merely seeing whether it is possible to secure exemption from the Bill by appealing to the legislature which has been responsible for the original legislation. And they ask for this before they go in for the more difficult and the more inconvenient procedure which the existing Regulation has laid down and against which they are protesting through the mouth of Mr. Padmanabhan.

That, Sir, to my mind, is a very strong argument in favour of the introduction of this measure. I am not *now* concerned with the question as to whether the solution which Mr. Padmanabhan has suggested is after all the *ideal* solution. That, I think, is a matter on wh'ch the Council might be inclined to trust in its own judgment, *after* this Bill has been considered by the Select Committee. I am not *now* committing myself to anything more than this, namely, that it is incumbent on this House, (consisting, as it does, of a large number of members who are friends of the Ezhava community, as they are friends of all communities) not to *disturb* the traditional *misradayees* of the Ezhava community but to allow them to continue to live, as they have lived in the past, in peace with members of their own community and of all other communities forming the subjects of the State. That is the point that I want to urge before this House now.

I have also to make a passing reference to some arguments that have been brought forward against the proposed measure. It has been stated—and much emphasis has been laid on that point—that the community does not want this bill. I find it difficult to attach weight to this argument. It has not been stated by Mr. Padmanabhan that *all* Ezhavas want a change in the Ezhava Regulation. There is a section of it—call it a large section or a small section, call it an influential section or an influence-less section—there is admittedly a section of the community which wants to continue its traditional usages. However negligible their number may be, their influence is to be measured by our sense of justice. We are here to stand up not only for the cause of those who are influential, not only for persons who have considerable official or other influence, but we are here for fairplay and justice. It has been stated that the advocates of the present measure only form a very small section of the community. We are not concerned now to find whether it is a small or a large section. The question at issue is simple. Are there still a sufficient number of persons belonging to the old persuasion? I do not think anybody—except persons who want to make themselves hopelessly blind, persons who want to shut their eyes completely—will deny that there *are* a considerable number of persons who feel sorely aggrieved and who have very grave reasons to ask for some relief which has not been granted to them under the existing Regulation.

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Another argument is that the objections of the *Misradayees* have *all* been considered by the last Council and by the Ezhava Law Committee. For the reasons already mentioned, the opinions collected as the result of the enquiry conducted by the Law Committee, cannot be regarded as exhaustive. We are hearing new arguments now, and I think it is a large order on our credulity to be asked to believe that *every* aspect of the Ezhava controversy had been discussed in the last Council. To-day I have heard one or two arguments which were not put forth on the floor of this House on the last occasion.

And then, we were told that the Council will have a dangerous precedent set up if we alter the law that has already been passed. If the Council is to act upon the principle that the mistakes that have been committed are not to be corrected subsequently, and if correcting mistakes, filling up omissions and thereby making the necessary changes in the existing law, amount to setting up dangerous precedents, then I do not think there is any good in this Council passing *any* enactment.

We are also told, Sir, that the opponents of the existing section of the Regulation are not even a respectable minority. The standpoint from which people call a body 'a *respectable* minority' must vary with individuals; and to my mind, there is a sufficiently powerful body of persons whether they constitute a minority or a majority, I am not called upon to determine now—who have a right to be heard and who have a right to appeal to our sense of justice, and who, I hope, will not appeal in vain to our sense of justice.

We were also told that those persons who, at the time of the discussion of the Ezhava Bill in the last Council, were in favour of the traditional *misradayam* are now *mostly* the ardent supporters of the Regulation. Granting that this statement is not one of those rhetorical devices of which we have had instances in the petition which the Secretary treated us to some moments ago, I ask whether, the admission that '*those persons are mostly ardent supporters of the bill*', whether the expression '*mostly*', does not exclude a certain number of persons who still remain as they were and who have not yet been converted by the Regulation? I ask, what about the persons excluded by that '*mostly*'? Are we here for the purpose of imposing our convictions, in a social matter, upon a set of persons who are not willing to accept, or rather who feel considerably aggrieved at a provision which has been passed by this House? Does the legislature exist for the purpose of assisting one or other of the particular protagonists whom we find in this Council, to the detriment of a large body of men whose existence cannot be denied?

It is also insinuated, in the statement which has been placed before me, in a somewhat undignified manner, that there are ulterior motives for introducing this measure. I do not feel called upon to consider a suggestion or an insinuation of this nature, and I trust that this legislature also will shut out this improper suggestion as to the motives of persons,

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who need not have any other justification for their motion than voicing the suffrage of the constituency which has elected them and of the communities which have asked them to voice their difficulties in this Council.

Sir, I have taken some time to deal with the objections. I have analysed the objections which have been put forward by a large number of signaturies opposed to this Bill.

I am not called upon to go into the entire question of all that has been said on the last occasion and of the consistency of this or that member. I am not called upon to settle the domestic quarrels of the Ezhava community. All that I am now concerned with is to find out how I am to exercise my privilege as a voter on this occasion and also to try, as far as it lies within my power, to persuade the House either to agree with me or at least to correct me if I am wrong. That is what I felt when Mr. Padmanabhan made the proposal at the commencement of our proceedings and when I discovered to my horror that Mr. Padmanabhan had not even been careful enough to secure a seconder to his proposal so that his motion was likely to fall to the ground for want of a seconder. That was why I stood up and seconded his motion. I do not say this because I regret having seconded his motion. Ordinarily, I would have preferred that somebody else, on the other side of the House, had taken upon his shoulders the responsibility of supporting Mr. Padmanabhan's motion. I would have preferred the friends on the other side of the House because they are gentlemen having more technical knowledge than I have, and they would probably be in a position to withstand cross-examination better than a mere school-master.

Sir, I have explained my position. I only hope that this House will not be deflected from its obvious duty but will follow the precedents set by other Legislative Chambers, in dealing with such questions. I want the House to recognise that the issue itself is a very simple one. The only question before us now is this. Is there or is there not a body of persons which feels considerably aggrieved at the provision in the present Regulation? Have we or have we not some evidence of the serious discontent of a body of persons in regard to a certain provision of the Regulation which was passed only a few months ago? If there is a serious discontent in regard to a change, given effect to by the legislature, in the customary law, of a particular community, which has been recognised by Courts of law and which has been followed for centuries together or at least for many generations, is it right that the legislature should not give a fair opportunity, for members of the aggrieved community to come forward and seek some better relief than the one that the legislature has found for them ? It may happen that, after dealing with this question, carefully and with the advice of the Select Committee, we may come to the conclusion that we cannot give them better relief than the one that we gave them on the last occasion. That is not the question now. The only question before this House is the question of legislative fairness under which we are bound to allow this measure to go before the Select Committee. I do not want this House to accept now whatever Mr. Padmanabhan says when they accept the general principle of the Bill.

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[Rao Bahadur K. V. Rangaswami Aiyangar.]

I want to sound a note of warning before I conclude. So far as I am concerned—and in this matter I may speak on behalf of some other members also—the attitude that should be adopted is one of guarded watchfulness in regard to the future fate of this measure. But I must say that we should be prepared, in fairness to this community, to allow this measure the opportunity to be considered by an expert Select Committee. The principle of this Bill should be accepted in this general way. I may remind the House of the concluding appeal of Mr. Padmanabhan to our sense of fairness. That appeal should not be lost upon us. I am a non-Ezhava with a large number of Ezhava friends. If I venture to intervene in this debate, it is because I feel that, unless I were to state publicly what my opinion is and unless I lift up my hand in support of Mr. Padmanabhan's motion for a fair concideration of this proposition, I would not be doing what is just and fair.

MR. N. KUMARAN (*Nominated*): I beg to oppose the motion. Sir. Mr. Padmanabhan as well as Mr. Rangaswami Aiyangar gave us the whole case, so far as the party who wants the Bill to be accepted is concerned.

MR. KAYYALAM PARAMESVARAN PILLAI (*Ag. Additional Head Sirkar Vakil*): Louder, please.

MR. N. KUMARAN (*Nominated*): As was stated by Mr. Rangaswami Aiyangar, in this case the issue is very simple. The question is whether the decision that was arrived at by the Law Committee, the decision arrived at by the last Council is the proper one or not? The question is whether, as has *now* been pointed out by Mr. Padmanabhan and as was pointed out by Mr. Paramesvaran in the last Council, the dissenting section of the community—the section which does not want the Regulation as it is—is a strong minority or not? In the Statement of Objects and Reasons, attached to the Bill, it is stated that the *misradayam* community did not want any change in the law. I do not know how Mr. Padmanabhan put his signature to such a statement when he himself admitted, in the course of his speech to-day, that there is a section among *misradayees* who want *makkathayam*. At any rate, we may take it that there are two sections, among *misradayees*, opposed to each other. The question is, how these two sections came into existence. In order to understand exactly the contention of the two parties, I should like to mention one or two circumstances which would enable the members to clearly appreciate the position. When we say that one section of the people are *misradayees*, it does not mean that there is a fundamental difference between that section and the *marumakkathayam* section. The Ezhavas living to the south of Quilon have got certain customs by which a portion of the self-acquisitions of a deceased man goes to his wife and children. On the other hand, Ezhavas, living to the north of Quilon, cannot claim any such right from their deceased father. That is the only distinction between *marumakkathayam* Ezhavas

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and the so-called *misradayam* Ezhavas. There is absolutely no fundamental difference between the two sections as was pointed out by Mr. Padmanabhan. He said, in the course of his speech, that there was no marital relationship between *marumakkathayam* Ezhavas and *misradayam* Ezhavas. That is not true. Any number of marriages exist between the two sections. It is not possible for such marriages between persons belonging to very distant taluks to exist. Therefore, if these marriages exist in the case of parties living in adjoining taluks, that clearly shows that there is no fundamental distinction between the two sections as mentioned by my friend Mr. Padmanabhan.

MR. R. PADMANABHAN (*Nominated*): May I ask my friend to quote at least one or two instances of such marriages in Trivandrum, Neyyattinkara and such other places?

MR. N. KUMARAN (*Nominated*): I was just explaining why such marriages do not exist in these places. If they do not exist, I say that is because the Ezhavas, belonging to these two sections, are not living near each other in these taluks. It is not because there is any fundamental difference between these two sections. The only difference is that there is a certain right in favour of the children of the *misravazhi* Ezhavas while there is no such right in the case of the *marumakkathayees*. Now, the *misradayam* section of the community consists of about two lakhs of people while the rest of the community—about five lakhs, as the members are aware—are *marumakkathayees*. I think, it will be conceded by my friend Mr. Padmanabhan that the *misradayam* section is more educated, probably, than the other. I belong to the *misradayam* section and, although any claim that I may put forward might be resented by the *marumakkathayees*, it cannot be denied that we have been more articulate in these matters.

We were complaining to Government about the non-existence of any law in respect of our marriages, inheritance, partition and all these things. Our request was placed before Government so early as 1083 along with that of the other *marumakkathayam* communities. But we did not get any relief. The Nayar community got a committee appointed. A report was submitted and the Bill was presented before the Council and passed as a Regulation in 1087, and it became law from 1088. The House will find that in that Regulation the Nayar community accepted something like a *misradayam* system of inheritance. Now, within 12 years of the passing of that Regulation, the Nayar community has found that it is absolutely useless, because it was all a *misram*. Therefore they discarded it and they have now adopted full *makkathayam*. Now, when the question was raised by my friend Mr. Padmanabhan that the *misradayam* section wanted no change in their law, I submit that his statement is not true. It was, owing to the persistent demands made by the *misradayam* members in the Sri Mulam Popular Assembly assisted by members from the *marumakkathayam* section, that Government was, at last, induced to appoint a committee and to undertake the legislation and a proper Bill was prepared by the committee.

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MR. K. MADHAVAN PILLAI (*Trivandrum cum Neduvangad*): Does Mr. Kumaran say that the *misradayees* took the more leading part?

MR. N. KUMARAN (*Nominated*): Yes.

MR. R. PADMANABHAN (*Nominated*): May I know from Mr. Kumaran whether any member of the *misradayam* section wanted pure *makkathayam* and individual partition?

MR. N. KUMARAN (*Nominated*): It was not indicated by the members as to what exactly should be the law in those matters. That would be pre-judging the case.

MR. R. PADMANABHAN (*Nominated*): That was not the answer to my question. What I want to know is whether there is any instance of a *misradayee* who wanted *makkathayam* and individual partition.

MR. N. KUMARAN (*Nominated*): That applies to *marumakkathayees* also. Everybody stated that there must be a codified law for their community. Nobody stated anything as to what exactly should be the nature of the provisions; because that would be pre-judging the case.

MR. R. PADMANABHAN (*Nominated*): I want to know whether the member knows of any instance in which anybody demanded *makkathayam* and individual partition.

MR. N. KUMARAN (*Nominated*): People did not come forward and say what they wanted. They only said that the law must be codified. I do not think any of the memorialists said what exactly the community wanted.

In the Assembly of 1091, I moved the subject, and immediately Government appointed a committee with Mr. Subba Aiyar as the President. Subsequently, we wanted to tour about the country and collect evidence before we made any recommendations to Government. The idea at first was that the Committee should ascertain the views of the community and frame rules in accordance with the views expressed by the community. We thought that the best way of ascertaining the opinion of the community was by having a roving committee. Therefore, a request was made to Government, and the committee was subsequently reconstituted with Mr. Bhutalingam Aiyar, a distinguished elderly gentleman and a conservative Brahmin, as the President. I was also a member of the Committee. We toured through the whole country and collected evidence in fourteen centres and submitted our report. The report was unanimous.

MR. KAYYALAM PARAMESVARAN PILLAI (*Ag. Additional Head Sirkar Vakil*): Did they recommend individual partition?

MR. N. KUMARAN (*Nominated*): I will come to that. They did not recommend it; and I will show presently, when I come to deal with the question, that there is absolutely no individual partition in the present Bill. Those expressions were used on account of misunderstanding. It was wilful misrepresentation.

What I was submitting is that the Committee took evidence and submitted a unanimous report. That was in 1094.

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MR. R. PADMANABHAN (*Nominated*) : Suppose the Regulation provides individual partition. Is that the wish of the people ?

MR. N. KUMARAN (*Nominated*): In the first place, that is a hypothetical question. Secondly, even if that had been provided for in the Bill, there was sufficient evidence to back it up, as I will show presently. It was the mistake of the Law Committee not to have recommended individual partition. They thought that, in questions relating to property, it was better to proceed slowly. That was why they provided for *thavazhi* partition. In 1096, the Bill was introduced in the Legislative Council and it was referred to a Select Committee. The Select Committee submitted its report in the last session of Mr. Krishnan Nair's Council.

MR. K. C. MAMMEN MAPPILLAI (*Commerce and Industry, North*) : May I know whether it was a Government measure or a private measure ?

MR. N. KUMARAN (*Nominated*) : It was a Government measure. Mr. Subba Aiyar introduced the Bill in the Legislative Council. It was referred to a Select Committee consisting of Dr. N. Kunjan Pillai, Mr. Kayyalam Paramesvaran Pillai and several others. Mr. Narayanan Pandalay was also a member of the Select Committee. Those gentlemen considered the Bill and submitted their report.

I ask whether there was any agitation up to the time when the Select Committee submitted its report. My friend Mr. Padmanabhan read paragraph 8 of the Law Committee's Report. Mention is made there of the existence of a *Misradayam* Committee at Paravur headed by Mr. C. V. Kunjuraman. I will explain how it came about. The very first witness examined by us was one Govindan Vaidyan, an old gentleman whom I think Mr. Padmanabhan knows very well, at Varkala which was the first centre where we took evidence. He gave very clear evidence in favour of *makkathayam*, not of the type that was recommended by the Law Committee and that finds a place in the Regulation but according to Hindu Law. That was not adopted, because we thought that it would be repugnant to the sentiments of *marumakkathayees*. We were very much surprised at his evidence. He was the very first witness. We examined other witnesses also at Varkala. From Varkala we proceeded to northern parts, to Kottarakara and other places where some *misradayam* people live. Evidence was recorded and it was found to be in favour of *makkathayam* and individual partition.

MR. K. C. MAMMEN MAPPILLAI (*Commerce and Industry, North*): May I know whether there is anything to indicate the view, on the question, held by ecclesiastical head of the community ?

MR. N. KUMARAN (*Nominated*) : He did not express any definite opinion. Anyhow his opinion is on record.

MR. R. PADMANABHAN (*Nominated*) : May I know who is the ecclesiastical head of the Ezhava community ?

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MR. N. KUMARAN (*Nominated*): I understood, when Mr. Mammen Mappillai put that question, that he referred to His Holiness Sri Narayana Guru Swami. The President of the Law Committee was very anxious to ascertain the views of our Guru. His Holiness gave his opinion that *makkathayam* would be very beneficial to the community.

MR. K. MADHAVAN PILLAI (*Trivandrum* cum *Neduvangad*): Is it on record?

MR. N. KUMARAN (*Nominated*); It is.

MR. R. PADMANABHAN (*Nominated*): Has he not expressed his opinion otherwise?

MR. N. KUMARAN (*Nominated*): No, he has not. Prominent mention has been made of it in the Report of the Ezhava Law Committee. On page 15 of the Report, it is said as follows:

"Sri Narayana Guru, the acknowledged spiritual head of the community, Dr. Palpoo who has recently retired from the Mysore Service, Mr. Madhavan Vydian of Trivandrum, Mr. Kunjusankaran Vydian of Chavaracode, Mr. Kochukunjoo Channar of Alummootil, who is the *karanavan* of the richest Ezhava *tarwad* in the State, Mr. Narayana Panikkar of Menatheril, Kayankulam, another rich and influential member of the community in Central Travancore, and Mr. Aiyappan Raman of Parayil, *karanavan* of the richest Ezhava family in North Travancore are among the numerous adherents of this view."

MR. R. PADMANABHAN (*Nominated*): May I know from the member whether Mr. Sankaran has not made a testamentary disposition in favour of his Seshakars?

MR. N. KUMARAN (*Nominated*): I cannot say what he has done exactly. But I know of several persons who have done like that. In answer to that question, what I submit is that it is a very unsatisfactory method of proving the question. I know from persons who are now leading this movement that they are ardent *makkathayees*. To support that I may be permitted to make mention of one circumstance. Mr. Padmanabhan himself has told me that he is an ardent *makkathayee* while the Committee went to take evidence in his native place. Unfortunately, he could not give evidence because he did not want to go against the wishes of his old father for whose sentiment he had great respect and who was opposed to all changes.

MR. R. PADMANABHAN (*Nominated*): May I know from the member that, when I appeared before the Committee to give evidence and when I expressed myself against partition, the Committee refused to examine me?

MR. V. SUBBA AIYAR (*Nominated*) (*Deputy President*): May I know whether any matter which took place between private individuals and which is not on record is relevant to the discussion now?

PRESIDENT: Mr. Padmanabhan is not in order.

MR. N. KUMARAN (*Nominated*): What I therefore submit is that the Committee, while taking evidence from North Travancore, found that a vild agitation was set on foot at Quilon and Paravur simply because he Ezhavas of those places found from newspaper reports that the

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witnesses in North Travancore asked for individual partition and *makkathayam*. This agitation arose not because they disliked *makkathayam* but because they disliked individual partition. But when the Committee came to Quilon, they found that a *Misradaya* Committee had been formed and answers had been prepared to the questionnaire from the Law Committee by Mr. C. V. Kunjuraman who is a leading publicist. They also found they were printed and circulated, with modifications here and there, so much so that before the Committee came to Quilon the whole atmosphere was corrupted. People were not permitted to give their own evidence and those persons who came and spoke for *misradayam* and not in favour of any change, I believe, were influenced by the activities of the *Misradayam* Committee. This infection caught the people in Trivandrum, Chirayinkil, and other places.

MR. R. PADMANABHAN (*Nominated*) : May I know from Mr. Kumaran whether he knows of any case in which anybody influenced people to be in favour of *makkathayam*?

MR. N. KUMARAN (*Nominated*) : None, absolutely none, and nobody influenced. I may say, as it was suggested by my friend in his speech, that the members of the Committee did not go for collecting evidence with their minds prejudiced against *misradayam*. I can speak for my own part that the Committee had the idea of providing a system of partition which must be acceptable to the community. The Committee was very much surprised when the first witness gave evidence unmistakably in favour of *makkathayam*. So much so that it was found from the nature and kind of evidence recorded that the evidence for *misradayam* was more or less stained. We took evidence and finished our tour and submitted our report. Then there was the leader Mr. C. V. Kunjuraman who placed himself at the head of the *misradaya* section. He had answers prepared and submitted the same to the Committee through various channels.

PRESIDENT : Do you wish to take some more time to finish your speech ?

MR. N. KUMARAN (*Nominated*) : Yes ; I may take some time more to finish my speech.

PRESIDENT : Then the House will now adjourn for lunch.

The Council adjourned for lunch at 2-5 P. M. and re-assembled at 2-55 P. M.

MR. N. KUMARAN (*Nominated*) : Sir, I wish to say a word with respect to the question which is important and which is now before the House. It is whether the majority of the opinion as recorded by the Law Committee is for *makkathayam* and not for *marumakkathayam*. Mr. Padmanabhan attempted to show that persons who did not want a change in the law were in the majority. In fact, if the figures are properly examined, it will be found that it is those who wanted *makkathayam* that had the majority. Out of the 263 witnesses examined from the *misradayam* section of the community, it will be seen that 90 alone wanted the community to remain as *misradayees*.

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MR. R. PADMANABHAN (*Nominated*): May I know how many wanted *makkathayam*?

MR. N. KUMARAN (*Nominated*): That is what I am going to say. Out of 263 witnesses examined, 90 alone wanted that the community should remain as before, and about 38 have said that they wanted to give something more than half but less than whole of their self-acquisition to their wife and children.

MR. R. PADMANABHAN (*Nominated*): May I know from the member whether it is usual to share something more than half of the self-acquisition of a member to his wife and children?

MR. N. KUMARAN (*Nominated*): Something more than the usual share; and the witnesses have conceded that they are in favour of *makkathayam*.

MR. K. C. MAMMEN MAPPILLAI (*Commerce and Industry, North*): May I know from Mr. Kumaran how many *misradayam* witnesses were in favour of *makkathayam*.

MR. N. KUMARAN (*Nominated*): We are not concerned with that. 800 witnesses were examined on this point and the majority of the witnesses belong to *marumakkathayam*. Out of a population of 7 lakhs of Ezhavas, 5 lakhs, *i. e.*, majority of the population are *marumakkatyayees* and about 2 lakhs are *misradayees*. From about 263 witnesses examined from the *misradaya* section of the community, 90 alone have wished to remain under the old condition and the others have stated that they want a change. I therefore say that there was a very clear evidence before the Law Committee to say that there was majority of opinion for the view that *makkathayam* should be given for the *misradaya* section also. I also do not think that it would be possible for my friend Mr. Padmanabhan from these figures to argue that the *misradaya* section wants the old system to be continued. Now apart from these considerations, what I wish the Council to ponder over is the quantity of the change that the community was asked to take when they were asked to give up their *misradayam* for *makkathayam*. In Quilon under the *misradayam* law, 3/5 of the self-acquisition will have to go to wife and children. In Trivandrum and other places, it is something more than half. So there is no uniformity in the customs that were observed by the community in these matters and that has been recognised by the High Court. They recognised certain rights over and above those rights which were prevalent in the Quilon taluk. So it cannot be said that the 90 witnesses who said that they wished to remain as before, wanted only one-half to be given to their wife and children. Under these circumstances, the Committee thought that they were doing only the proper thing when they made its recommendation. Now from the fact that the customs of the community are varying and also from the fact that more than three-fifths of the entire acquisitions of a male has to go to his wife and children, what we now are asking these people to give is only very small. The history of the community shows that they were the followers of *makkathayam*. When they settled

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in Travancore and in other parts of Malabar coast, they came in contact with *marumakkathayam* communities like the Nambudiries and the Nanjanad Vellalas and adopted their system of inheritance. So, the natural bent of the Ezhava was towards *makkathayam* and it was to perpetuate this, the *misradayam* custom was introduced into the community. To say that it is calamitous to give something more than half to wife and children is a matter which we cannot believe. Now what is the position of a *misradayam* house? There is one set of heirs called the sons and daughters and there is another set called the *anandaravars*. So we have got two sets of spies in a house watching the action of the acquirer of the property. If the acquirer is doing something in favour of his children, his *anandaravars* will be angry with him and therefore there will neither be peace nor contentment in an Ezhava house. I submit that this is the very reason why the Nayar community wanted to give up this blessed system for themselves after they had experience of it for some years. When the Nayar community which has strong *marumakkathayam* sentiment had taken a very big jump, I am decidedly of opinion that the *misravazhi* section of the Ezhava community should not hesitate to take to *makkathayam*. I assure you, gentlemen, that it is the sentiment of the vast majority of the population. I have shown that, according to the evidence that the Law Committee was able to collect, this is the view of the majority of the community. It is on this system of inheritance that the whole grievance of that section is made to hang. The legislatures in Travancore as well as in other parts of India consider it necessary to provide for the maintenance of wife and children and have made it a compulsory obligation upon all persons. Section 366 of the Criminal Procedure Code compels every one to make some provision for his wife and children. The authorities on the theory of legislation are also of the same view. The Law Committee has extracted several passages from the writings of Bentham and Mill to show that every one is bound to make provision for his wife and children—

MR. K. C. MAMMEN MAPPILLAI (*Commerce and Industry, North*): Please speak louder.

MR. N. KUMARAN (*Nominated*, : — for whose existence he is responsible. I would therefore submit that the case is very strong so far as the system of *misradayam* inheritance is concerned. It is not in violation of the sentiment of the community to provide a small portion to their wife and children. The next question is whether we have got the majority of opinion of the community for partition and, if so, what is the kind of partition that is provided for in this Bill. Mr. Padmanabhan said that nobody wanted individual partition and that the Committee have made a provision for the same in the Bill, I submit to the House that the whole thing is wrong. So far as partition is concerned, there is no difference of opinion between the two sections of 5 lakhs of Ezhavas living to the north of Quilon. The whole community is being governed by the *makkathayam* Law and to the south of Quilon it is being governed by the *misradayam* system of inheritance. Therefore so far as the question of partition is concerned, it is wrong to divide the community into two sections. Therefore the whole evidence will have to be taken as evidence for the whole community.

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MR. R. PADMANABHAN (*Nominated*) : Did not the *makkathayam* people object to the introduction of individual partition?

MR. N. KUMARAN (*Nominated*) : No.

MR. R. PADMANABHAN (*Nominated*) : Is there not an agitation among the *marumakkathayam* section of the community against—

MR. N. KUMARAN (*Nominated*) : None; that is what I am going to say. If on the other hand the people of Quilon want partition being provided for by a law and the people of Trivandrum object to that, are we to legislate taluk by taluk? Therefore, what I submit is that we will have to take the whole community together and ascertain their views and then legislate. In order to ascertain the wishes of the community on partition, 805 witnesses were examined by the Committee and four alone said that they did not want any change. Out of 801 witnesses who wanted partition, 63 per cent were in favour of individual partition and the remaining 37 per cent were in favour of *thavazhi* partition. Therefore, it was not at all proper for the Law Committee to have made this recommendation for there was overwhelming evidence for individual partition. Mr. G. Paramesvaran Pillai, who was a member of the Council when the Bill was introduced, said that it would be necessary to provide for individual partition in view of the volume of evidence for the same. This is what he said :

"One would expect from this discussion that the committee would recommend the adoption of individual partition. But they add that such a change may be felt too radical and provide only for *thavazhi* partition. So far as the Ezhavas are concerned, a great many of them already follow *makkavazhi*. *Marumakkathayam tarwads* themselves have undergone considerable disintegration. The whole of the self-acquired property is made to devolve on the wife and children of the acquirer. A very large majority of the community demand individual partition. Individual partition itself has, according to the Committee, several virtues lacking in *thavazhi* partition. It is a matter of serious consideration why the community should be deprived of the benefits of individual partition on account of a possible feeling that the change may be regarded as too radical".

Therefore it would have been perfectly legitimate if the Law Committee had made a recommendation for individual partition. But they did not do so because it was an important matter affecting the community and also due to the fact that the Committee made its recommendation some seven years ago when people had not advanced to the extent to which they have adavanced now. Therefore we thought it necessary to make a very modest recommendation and that was for *thavazhi* partition. It is also a matter for satisfaction to know that 801 witnesses agreed for *thavazhi* partition. When a witness stated that he wanted individual partition, he could not say that he did not like *thavazhi* partition. Therefore what I submit is 801 witnesses were in favour of *thavazhi* partition. We have in this respect almost unanimity of opinion in the community. Moreover this provision was considered by the Select Committee and certain modifications were introduced.

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MR. R. PADMANABHAN (*Nominated*) : May I know from the member whether he is aware of the fact that *misradayees* as a whole do not object to the *thavazhi* partition?

MR. N. KUMARAN (*Nominated*) : I do not exactly know what they object to. I confess my complete ignorance as regards that matter. We have provided only for *thavazhi* partition in the Bill which was submitted by the Law Committee. A change was introduced by the Select Committee in *thavazhi* partition and, I believe, it was at the instance of Dr. Kunjan Pillai. The effect of that change is that the mother and their children will always remain together. The provision is different in the Nayar Regulation. There every adult member can partition and separate. My friends of the *misradayam* Section have persuaded themselves to believe that we have not got such a provision in the Ezhava Bill as we have in the Nayar Regulation. I have to submit, under the circumstances, where is their grievance ? If the members of the Council will calmly consider the advantages of this provision, we have got all the advantages of *marumakkathayam* and that we have removed all the defects of *karanavan* ruling over a *marumakkathayam* family and appropriating all its funds and mismanaging its affairs. Whenever a *karanavan* is found to mismanage a *tarwad*, it is easy for the other members of the *tarwad* to remove him. Therefore I ask where is the difference of opinion and submit that it is the very best that can possibly be done in the best interests of a *marumakkathayan* community. These are the two important points at dispute between the two sections. I submit I have attempted to show that it is only mere imagination to say that we have provided for individual partition in the Regulation and it would be a serious inroad upon the community if the 2/3 or 1/3 or even a small portion of the self-acquisition which is now given to the *anandaravars* should be given to wife and children. By providing such a right, I submit the *tarwad* will not disintegrate and there will not be the feuds and dissension in the family, and that there will be peace and contentment and happiness in our homes. With respect to the agitation, I want to submit to the House one fact. As has been mentioned and admitted by Mr. Padmanabhan, there was an agitation against the procedure by which the evidence was taken and the recommendations of the Committee. But when the Committee ceased its work, the agitation also subsided. The Committee made its recommendations and submitted its Report in 1094. The Bill was introduced in 1096 and was referred to the Select Committee. During this period, Mr. C. V. Kunjuraman started a paper for the purpose of giving strength to this agitation. But it died because there was nobody to support it. In 1097, this agitation was revived. We find, from the reports of the Council, which was to consider the Ezhava Bill, in the second reading that certain petitions were received. I submit that in 1097 there was a peculiar situation created in Trivandrum. A certain gentleman, at the instance of some powers that be, whom everybody knows, wanted to create some sort of split in the community and he put up a fight for the purpose and started a paper called *Gurupataka* which died out soon for want of support.

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MR. R. PADMANABHAN (*Nominated*) : Will the member say whether there are any other papers which died ?

MR. N. KUMARAN (*Nominated*) : Oh ! Many papers die.

MR. R. PADMANABHAN (*Nominated*) : Does the member mean to say that the death of the newspapers is due to the want of strength on the part of the *misradayees* ?

MR. N. KUMARAN (*Nominated*) : It is not that. The papers die because they are not supporting the correct principles and so do not get the support of the constituency which they represent. Again, after the death of that paper, there was no other paper which would support the agitation. The Council can draw the necessary inference from that circumstance.

MR. M. SIVATANU PILLAI (*Tovala*) : May I know from the member whether any paper has a life ?

MR. K. MADHAVAN PILLAI (*Trivandrum* cum *Neduvangad*) : May I know from the member whether there had been any public feeling against the Bill ?

MR. N. KUMARAN (*Nominated*) : I am coming to that. The Bill was passed ; and during the passage of the Bill, the members of this Council who were also members of the last Council may be aware of the fight that Mr. Paramesvaran put up for throwing out this Bill. At the last stage also, he said that the Bill should not be accepted and that the third reading must be postponed for the purpose of introducing the several salutary provisions from the Nayar Regulation into the Ezhava Regulation. That is self-contradictory. He wanted to make the Ezhava Regulation as elaborate as the Nayar Regulation. Well, after all this trouble, it was passed. And what I submit is that, after it was passed, as we find in respect of other legislations, there was almost an unanimity for accepting this Regulation. It was a surprise to me when I heard that an attempt was being made to introduce a Bill to amend this Ezhava Regulation and when it had not been in force even for three months. Then, I was not myself sure as to what extent the agitation had subsided. After knowing definitely that this Bill is coming up, I wished to make some enquiries as to the continuance of the agitation. I found that most people, who were helping Mr. Paramesvaran, not only respected and liked the measure but they were very busily dividing their properties according to the Regulation. So much so, that even many of my acquaintances who were supporting Mr. Paramesvaran are now my supporters and the supporters of the Regulation. It was an eye-opener to me when I came to Trivandrum for attending this session of the Legislative Council and found that, in several places where I had absolutely no friends, where I had no influence, meetings were held protesting against Mr. Padmanabhan's Bill, and there was no protesting voice to say that they wanted Mr. Padmanabhan's Bill and not the Regulation.

MR. K. MADHAVAN PILLAI (*Trivandrum* cum *Neduvangad*) : Was there any public meeting held in favour of this Bill ?

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MR. N. KUMARAN (*Nominated*) : No, I challenge Mr. Padmanabhan to say whether any meeting was *publicly* held anywhere for the purpose of supporting his Bill. Since Dr. Madhavan Pillai had put this question to me, I shall say this that, as soon as I found that Mr. Padmanabhan was introducing his Bill, I wanted to dissuade him from doing that, because he himself had promised that he would not introduce the Bill. But subsequently he has undertaken the responsibility of introducing this Bill. Then with a view not to have this Bill introduced, I wrote to him that I could convince him that he has not got even an appreciable minority on his side. I also wanted to take him *pakuthi* by *pakuthi* in his own taluk as well as in mine, which are the most important taluks where the *misradayees* live. I promised that I would convince him that there is no public opinion behind him. But he did not accept the challenge. I did not know why. It was not necessary for me to offer that challenge because it was his duty to prove that the decision to which the last Council came to was wrong and that the question has to be re-opened. He has to prove that there was a mistake. It is something like a review petition in a court of law. When a review is preferred in a court of law, the person who makes that application will have to show that something is wrong. Also it has to be made to the court which has disposed of the matter already. At any rate, I offered the challenge to him, but he refused to accept that. I did not know why. I understand from the manner in which opinion has changed in the community that it was because he himself knew that he cannot be sure of the results. That is all that I can say.

MR. K. MADHAVAN PILLAI (*Trivandrum cum Neduvangad*): What has the member to say about the provision for exemption ?

MR. N. KUMARAN (*Nominated*) : When the fight was very keen in the last Council, the provision was made at the instance of some of our friends in the Council. They said that a Section like Section 33 would be necessary ; and even though we contended against the Section, Section 33 was passed by this Council by which any *misradayee* who did not want to be a *makkathayee* might make an application for exemption within six months after the coming into operation of the Regulation. We find that not a single application was made by any one. It cannot be said that, simply because they saw there was the possibility of another Regulation being passed, there was no application for exemption. It is not because Ezhava women are not willing to go to courts of law. Women will have to go to the Registrar's office, they will have to go to civil courts. They can make applications, execute *vakalats* in favour of Vakils, unless it was necessary for the courts to take their evidence on oath. Therefore it is a mere lame excuse to say that, because the ladies also have to go to courts of law, no application was made.

RAO BAHADUR K. V. RANGASWAMI AIYANGAR (*Principal, College of Arts*) : May I know whether the engagement of Vakils and giving them *vakalats* does not cost some money ?

MR. N. KUMARAN (*Nominated*): In answer to that, what I submit is that I am led to understand that hundreds and thousands of rupees are

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being spent for maintaining this agitation. So, for engaging a Vakil enough money can be found and it is no costly business. If they feel that they have a real grievance, then they will be able to find the few rupees that may be necessary to employ a Vakil. After all, it is not necessary to employ the best lawyer in the station. Any man who has got a license as a Vakil can accept the *vakalat* and present the application.

MR. K. C. MAMMEN MAPPILLAI (*Commerce and Industry, North*): May I know whether the reluctance extends to the more respectable classes of people who can afford to pay the expenses or whether it extends to all classes of people?

MR. N. KUMARAN (*Nominated*): It does not extend to any class of people. That is what I sumbit. They can get a *vakalat* executed in their own house and within the four walls of the house. That is a thing done by every community. Nambutiri women execute documents and Brahmin women also do the same. Where is the difficulty then, I ask? Those who can afford may have the registration of the document done in their own houses whereas those who cannot afford may go to the Registration Office and have the documents executed there. Therefore I submit that it is a very lame excuse. That is a very convincing argument that there is no public opinion behind it. My friend referred to Mr. Sankaran Channar. He is a respectable gentleman and a *karanavan* of a respectable *tarwad*. I already submitted that one *thavazhi* of that *tarwad* has effected individual partition a few weeks ago by a registered deed and some of his *anandaravars* who are here told me that this man and his *avadiars* were busy making arrangements for partitioning his *tarwad*. When he heard that this Bill was likely to be added to the Regulation, he thought that the partition could be avoided.

So far as partition is concerned, every *karanavan* has a grievance because he is in possession of all the *tarwad* properties, has the right to manage all the *tarwad* properties under the law and he can do whatever he likes with the income. If, under any provision regarding partition, he is divested of all these rights, of course, it will be a real grievance to him. If we are not to injure him, not to take away all his rights, we should not provide for partition of any kind whatsoever. There are several rich *karanavans* who are very much concerned with the passing of this Regulation because it will hit them very hard. Members of very rich *tarwads*, who are owners of properties worth lakhs of rupees, will be reduced to persons who hold properties worth only rupees five hundred or one thousand. I submit that it is a very real grievance. But this legislature cannot help such a grievance, because it has to look to the greatest happiness of the greatest number. A *tarwad* may consist of three hundred members according to my friend. It is the interest of the 299 members rather than the interest of the *karanavan* who is in management of the *tarwad* property and who is in possession of the *tarwad* funds that we have to guard. I therefore submit that, even in respect of this agitation, even in respect of the partition question, and in respect of the question of inheritance, my friend has absolutely no case.

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Again, all these questions were threshed out threadbare in the last Council. My Professor Mr. Rangaswami Aiyangar, says it does not conclude this Council. I am sure it does not. I agree to that position. But it is not possible to re-open every Bill concluded by this Council. For if we were to do so, this will be an instance whereby several of the measures that are now on the Statute Book will have to be threatened with disturbance by amendments of this kind.

I shall submit a word with respect to the principle of social legislation. I do not think that much need be said with respect to that matter. With due deference to the President, I submit that I do not think that the proposition that was enunciated by the President as well as by Mr. Rangaswami Aiyangar is the view that has been accepted by the Government and the legislature in Travancore. We have got very many social legislations. In fact every legislation is social legislation so far as it concerns human society and no legislation can be said to be not compulsory in the view that the law compels everyone to accept it and act according to its provisions. But we say that a legislation is social legislation because it concerns a particular community. Essentially all legislation is of the same kind. But in Travancore as well as in British India, several legislations were passed which we may say are social legislations in this limited sense. In Travancore we have got the Christian Succession Regulation, the Nayar Regulation and yesterday Mr. Aiyangar—

MR. S. GNANA JOSHUA (*Nominated*): I rise to a point of order. Has not the President in this Council once ruled, on a complaint made by Mr. Rangaswami Aiyangar, that he should not be referred to as Mr. Aiyangar?

MR. N. KUMARAN (*Nominated*): I beg your pardon. I did not mean any offence and my Professor knows very well that I did not mean any offence. Of course, it was an omission. I first referred to him as Mr. Rangaswami Aiyangar, and I thank the member for reminding me of it.

I submit that there are ever so many legislations. For instance, there is the Nayar Regulation, there is the Christian Succession Regulation, and there is also the Nanjanad Vellala Bill of yesterday. If Mr. Padmanabhan and Mr. Rangaswami Aiyangar were for the rule that an unwilling minority should not be compelled into a piece of social legislation, I submit they were absolutely wrong in supporting the amendment introduced by Mr. Sivatanu Pillai in the Nanjanad Vellala Bill. It was an unwilling measure so far as the minority was concerned. No doubt it was a compromise, I submit it was in that spirit of compromise that my Professor accepted it and it was on account of that spirit that I also accepted it. We had a similar provision in Section 33 for the dissentients from the *misradayam* community. I submit there was no reason for complaint for the *misradayam* people in regard to the provision contained in the Ezhava Regulation.

I submit the real grievance, if this amendment is to be passed, will be that the community will be split up into two sections. That is the

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real grievance. From Parur to Cape Comorin, the people are agitated over this question. Mr. Padmanabhan referred to the circumstance that a memorial has been presented with the signatures of about 350 persons. What is 350 in the ocean of seven lakhs of people? Even now I have got 5,000 people waiting outside who have come here simply to witness the great calamity that might befall the community. If any responsible person would say that he is willing to attest the signatures, I can assure this Council that at least 5,000 signatures can be taken by this evening for the purpose of showing that they do not want this Amending Bill. Therefore I say that the signatures might be had by Mr. Padmanabhan even in his presence and I do not deny any of those facts.

It was never denied by me that there was a party against the Ezhava Bill. In the Legislative Council there was a party. In all legislation, there are parties against the general provisions. For instance, in the Christian Succession Regulation we had the stoutest fight. It had almost stirred the whole atmosphere of Travancore and it was a very well educated community who could not be satisfied. But after all they succumbed to the legislation and what is the result? Mr. Mammen Mappillai stated it on several occasions, yesterday also he referred to that when speaking of social legislation, and he instanced the great agitation that was brought up against some provisions of that Regulation. After all, the Succession Regulation proved a blessing for them and the prognostications of calamity that were made by the dissentients did not prove true. Similarly, it is a very small step that we have taken. We ought to have taken much more. If we examine the Ezhava Regulation, we will find that we have not a very elaborate scheme of heirship as we have got in the Nayar Regulation. Even now the *marumakkathayees* are generally the heirs, barring the children. Therefore I submit that no *marumakkathayee* need have any anxiety about the Regulation doing violence to his sentiments or feelings.

I already submitted that the most important grievance of the community in respect of the Amending Bill is that the community would be split up. There is one particular reason for it. Mr. Rangaswami Aiyangar referred to the aggrandisement of some persons that were mentioned in some letter or memorial that was in his hand.

MR. KAYYALAM PARAMESVARN PILLAI (*Ag. Additional Head Sirkar Vakil*): Will the member be pleased to explain how the community will be split up?

MR. N. KUMARAN (*Nominated*): That is what I am going to explain. Those who are acquainted with the Popular Assembly proceedings will have noticed one of the protagonists of the present Bill pressing that the *misradayees* must be given *special* representation both in the Council and the Popular Assembly. In fact it was the *misradayee* that was having a permanent representation in all the representative institutions. In the Law Committee, for two lakhs of

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people, three *misradayam* members were entertained; and for five lakhs of *marumakkathayees*, only three members were entertained. In the Legislative Council we had hitherto five members in the three Councils, Mr. Krishnan Nayar's Council, the last Council and this Council. We have got five members and all the five were *misradayees*,—Mr. Kumaran Asan, Mr. Parameswaran, Mr. Govindan, Mr. Padmanabhan and myself. All these five are *misradayees* and nobody has ever claimed special representation for one group of the community or taluk by taluk.

MR. A. K. PILLAI (*Karunagapalli*): Does not Mr. Kumaran see the prospective chance of these *marumakkathayees* asking for separate representation?

MR. N. KUMARAN (*Nominated*): Probably, if this principle is permitted, I may say that people will claim for separate representation taluk by taluk. I submit we are passing from the matriarchal to the patriarchal system, from *marumakkathayam* to *makkathayam*, from the smaller to the bigger group. There has been more and more nationalisation of sentiment as time advances. It is not proper for this Council to divide the community into two sections. That is the main point in which our real grievance lies.

I am the only person who is going to plead this cause for seven lakhs of people. There are here 35 non-official members who represent forty lakhs of people. But my community consists of seven lakhs of people and has got only one member to represent their view-point. Therefore I submit that this House has a very great responsibility in seeing that the community is not split into two, that it is not in any way injured. The Ezhava Regulation that is in force affords a means of peaceful, harmonius evolution of the various sections of the community.

MR. KAYYALAM PARAMESVARAN PILLAI (*Ag. Additional Head Sirkar Vakil*): Does the member mean that, because the inhabitants of the various taluks may ask for separate representation, therefore the community will be split up?

MR. N. KUMARAN (*Nominated*): It is because we are becoming more and more politically awakened. The Christian community has divided itself into a number of groups because their political consciousness has been developed; even though it is good in one direction it is bad in another direction. We should not afford chances for creating splits in a homogeneous community.

MR. A. K. PILLAI (*Karunagapalli*): Apart from the question of representation, does he not think that the community will be split up because of the different systems which they follow?

MR. N. KUMARAN (*Nominated*): Yes. It is one of the reasons why we wanted to make a provision which will be accepted by all the seven lakhs of Ezhavas.

MR. KAYYALAM PARAMESVARAN PILLAI (*Ag. Additional Head Sirkar Vakil*): May I ask how, if this Bill is passed, there is the likelihood of having different systems?

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MR. N. KUMARAN (*Nominated*): Because Mr. Padmanabhan was very particular in saying that there are two definite sections of the community and that they do not intermarry.

MR. KAYYALAM PARAMESVARAN PILLAI (*Ag. Additional Head Sirkar Vakil*): Even as the law stands to-day, it is open to the *misradayees* to go and register out of the Regulation and then there will be two sections?

MR. N. KUMARAN (*Nominated*): That is because I am sure there may not be any section like the *misradayees*. There is another provision. A *misradayee* who has got an exemption under Section 33 can again apply and get it cancelled. There is the possibility of the whole community becoming one. There is that provision and that was particularly intended as an exception. Of course some person in a family may have a particular leaning for *misradayam*. Subsequently he may want *makkathayam*. There is provision for this in Section 33.

MR. KAYYALAM PARAMESVARAN PILLAI (*Ag. Additional Head Sirkar Vakil*): Under the new measure, people who want *makkathayam* may go into *makkathayam*. If all the members register into the Regulation, there will be no two parties.

MR. N. KUMARAN (*Nominated*): There is the difference in the system of inheritance, there is the difference of family law and that will certainly interfere with the homogeneity of the community. It is admitted by Mr. Padmanabhan. It is open to the Law Member to say that Mr. Padmanabhan's view is wrong. If we accept his view, that would be a real calamity.

MR. KAYYALAM PARAMESVARAN PILLAI (*Ag. Additional Head Sikar Vakil*): What I mean is this. Even as the law stands at present, it is open to any member of the Ezhava community to go out of the law. If it is so, there will be two parties. According to the proposed measure also, people can go and register into it. So, in both cases there will be two sections created.

MR. N. KUMARAN (*Nominated*): We expect that, under Section 33 of the existing Regulation, there will not be many applications for exemption. I said that even Mr. Parameesvaran would not be able to make any application. Because it would be found that all the members may not be willing to go and apply for exemption. One or two may be for *misradayam*. The others would be for *makkathayam*. That is the reason why that provision was made.

MR. K. MADHAVAN PILLAI (*Trivandrum cum Neduvangad*): So your point is that *misradayees* will eventually disappear?

MR. N. KUMARAN (*Nominated*): Yes, they will disappear, and I submit that the Bill has to be thrown out on all these grounds.

MR. A. K. PILLAI (*Karunagapalli*): Sir, the case that has been stated by Mr. Padmanabhan is a simple one and on the face of it, is a fair one. It is this. Here is a legislation which compels one section of the community, howsoever small it might be, to accept it. What

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is the harm in allowing them to remain outside if that is their desire? This point of view has been in the best possible terms presented by you, Sir, this morning; and I began to ask myself what is after all the harm in allowing this measure to pass. But I found the issue was not so simple.

Let us examine the consequences of the Bill at closer quarters. Let us go into the Regulation and see what will be the effect if the Regulation is amended by the present Bill. But before proceeding, I shall attempt to answer a question put forward by Mr. Kayyalam Parameswaran Pillai. The suggestion that he wanted to make is that there will be split in any way whether the Regulation remains as it is or is amended. My submission is that there will not. The Regulation provides already for those who want to go out of its provisions to do so; but according to the present Bill, we compel certain persons to remain as *misradayees*, and the responsibility is put upon those who do not want to remain so. What is the consequence? A case has been made out by the learned Law Member on the other side and Professor Rangaswami Aiyangar that the difficulties of registration are great and that it is not always quite possible that all the members in a body will move for registration, and get what they want. I can quite conceive the possibility of such a position and concede all the difficulties. But what will be the effect of the same difficulties in the other case that is, if they miss to register in? Examine this provision that is here. I am referring to Part IV in the Regulation relating to intestate succession

"On the death of an Ezhava male leaving him surviving a widow or mother or both and also children or the lineal descendants of deceased children or both, they shall take the whole of the self-acquired and separate property left undisposed of by him at his death".

Here is a provision which is beneficial to the children of a deceased father who has not specified how his properties should be disposed of after his death. The man who does not know about the present Bill and the actual consequences thereof may not come and get himself registered into the provisions of this Regulation. What is the effect? He dies and his properties will remain in the old chaotic condition. Out of it redress was sought by the community. Instead of all his properties going to his children, they will go to the lineal descendants.

MR. KAYYALAM PARAMESVARAN PILLAI (*Ag. Additional Head Sirkar Vakil*): Only less than one-half will go to the *tarwad*.

MR. A. K. PILLAI (*Karunagapalli*): I am speaking of the one-half. It is not after all nothing. It will go to the people other than those in his mind. I submit that *misradayan* is nearer the *makkathayan* than *marumakkathayam*. It is very strange to suggest that the *misradaye* who is nearer by instinct to a *makkathayee*, is not willing to be regulated by the provisions of the Regulation—provisions that are distinctly beneficial to his children! It requires a great stretch of imagination to say that this instinct of love, which has been there even while there was no Regulation, was sought to be removed. A *misradayee* was a *misradaye* because he has a greater instinct of love and he was giving more than one-half of his property to his children. Here is a suggestion that

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he will be aggrieved because, according to the provision out of which if he does not choose to go, the whole property will be given to his children. When we examine that suggestion we would see that it looks like a cock and bull story. I would be very willing to support any measure that seeks for the redress of the grievances of the minority. Certainly the State exists to protect the weak and the minor.

MR. K. MADHAVAN PILLAI (*Trivandrum cum Neduvangad*): Would he do it against the majority?

MR. A. K. PILLAI (*Karunagapalli*): Certainly not. And in this case, if the Bill is passed the majority would be the sufferers. The clamour for codification of the existing custom among the community came more from *misradayees* than from *maru makkathayees*. Mr. Kumaran himself was a *misradayee* and as has been pointed out by him the Regulation was not protested against. The move for a Regulation came at the very outset from *misradayees* and it was they who clamoured that they wanted legislation in the matter. It is the *maru makkathayees* that should be aggrieved. But they are not aggrieved. They have not come forward now. Mr. Padmanabhan does not say anything in their behalf but only in behalf of *misradayees*. He is not quite sure whether any marital relation exists between these two sections. What will be the effect upon the children born of a *misradayam* and *makkathayam* Ezhava marriage? Just think of it. There is the provision in the Regulation to safeguard the interests of the children, and these safeguards are sought to be taken away. If I may quote the authority of the learned member on the other side, there are ever so many difficulties, for people to register in. But once we are already there, we do not go out of it. If we are not there, it requires a great deal of inducement on our part to go and get into it. So these difficulties are genuine; and if they are genuine they adversely affect the community, still keeping them in the chaotic condition out of which they wanted to get out and as a result of the persistent clamour they got a legislation. What is the authority now for Mr. Padmanabhan to say that the community is clamouring for a revision except the assurance of Mr. Padmanabhan? How can we take it that it is exactly the feeling in the community? I can believe that Mr. Padmanabhan is sincere about it. But I cannot believe that his is exactly the feeling of the community, because there is no evidence whatsoever on record that is before the House. I have not come across any considerable section of the community who have said that they really want this Regulation to be amended in such and such a manner. On the other hand, several members of the community have been telling me that they do not want the amendment Bill, for then, they will be compelled to remain in a particular position and in a position prior to the passing of this Regulation, a state of affairs which they wanted to remedy by the provisions of this Regulation.

RAO BAHADUR K. V. RANGASWAMI AIYANGAR (*Principal, College of Arts*): May I ask him what he has to say about the petition which was read out by the Secretary this morning?

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MR. A. K. PILLAI (*Karunagapalli*): I can appreciate the existence of a minority of 308 people. My submission in regard to it is that, until we come to such a time when legislation for individuals is within practical politics, we cannot consider such small minorities. The minority must generally, for all these purposes, fall in general line with the majority.

RAO BAHADUR K. V. RANGASWAMI AIYANGAR (*Principal, College of Arts*): Do the petitioners admit that they are a minority?

MR. A. K. PILLAI (*Karunagapalli*): It is only an assertion, this way or that. There is no proof. As it was pointed out by Mr. Kumaran just as in the case of petition for revision, the burden of proof must rightly be on the party who seeks to change the provision to show that there are grounds enough for considering it.

RAO BAHADUR K. V. RANGASWAMI AIYANGAR (*Principal, College of Arts*): Will he kindly state what investigation he has conducted for the purpose of disproving the claims of these people?

MR. A. K. PILLAI (*Karunagapalli*): All the investigation conducted by the Law Committee is in favour of the Regulation and there has been no investigation subsequently, and the result of the only investigation that has been made is in my favour. I have been myself carefully considering over the question and I am persuaded to believe that the position taken by Mr. Padmanabhan is untenable.

MR. R. PADMANABHAN (*Nominated*): Does he know that, out of 263 witnesses, only 138 wanted full *makkathayam*?

MR. A. K. PILLAI (*Karunagapalli*): The provision is not full *makkathayam* and the objection is not made in regard to that, and even if it is so, it is against the grain of the so-called *misradayam* community, and how can they take up their present position and say it is a grievance to them? I cannot conceive of their position. It is unnatural.

RAO BAHADUR K. V. RANGASWAMI AIYANGAR (*Principal, College of Arts*): Is it his position that the strength of the contending parties is approximately the same as it was when the Law Committee recorded it?

MR. A. K. PILLAI (*Karunagapalli*): The strength may have changed.

RAO BAHADUR K. V. RANGASWAMI AIYANGAR (*Principal, College of Arts*): Is it only a possibility?

MR. A. K. PILLAI (*Karunagapalli*): There must be concrete proof before us. Where is the evidence? What is the investigation made?

RAO BAHADUR K. V. RANGASWAMI AIYANGAR (*Principal, College of Arts*): That is precisely what I am asking.

MR. A. K. PILLAI (*Karunagapalli*): In the absence of any such record or investigation, the benefit of doubt must go to the *status quo*

MR. M. SIVATANU PILLAI (*Tovala*): May I know whether among the *misradayam* community there will not be at least a section which will be benefited if the *misradayam* law is passed?

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MR. A. K. PILLAI (*Karunagapalli*): But there is the provision already. And they can go out and come in after some time and so the provision is more generous in the Regulation.

MR. M. SIVATANU PILLAI (*Tovala*): Is he aware that there will be at least a section of the *misradayam* community which will be naturally benefited if *misradayam* is continued?

MR. A. K. PILLAI (*Karunagapalli*): Yes, they can continue. There is the provision for them to continue. Here is the Section:

"Section 33. (1) On an application made within six months from the commencement of this Regulation

(i) by an individual member of an Ezhava *tarwad* with reference to the provisions of Part IV, or

(ii) by a majority of the adult members of such *tarwad* with reference to the provisions of Part VII (i),

the Government may,....."

Here is the provision for even one individual going out or the whole *tarwad*. Whereas in the provision as contemplated in the Bill, there is only provision for the majority of the *tarwad* to go. What does it mean? They are tied down. If they do not do it within six months, what is the result? They become absolutely separated from the rest of the community. There is no escape, unless there is a unanimity of opinion among all the members of the *tarwad*, and without securing that unanimity no partition could be effected. We are going to the antiquarian stage again out of which some redress was effected.

MR. M. SIVATANU PILLAI (*Tovala*): Cannot the majority be generous enough to the minority?

MR. A. K. PILLAI (*Karunagapalli*): All the concessions and conveniences are given in the Regulation; so there is no necessity for the minority not to accept it. As it stands, the Bill provides much less generous provision than the Regulation. If there is any genuine grievance on the part of any particular individual member, he can very well walk out. If they can come as far as Trivandrum and make a demonstration, I am sure they can go to the Registration offices which must be so near to them and go out of the Regulation if they really want to do so.

MR. C. P. TARAKAN (*Kunnatnad*): ഈ സഭ അവധാനപൂർവ്വം ആലോചിച്ചു പാസ്സാക്കിയ നിയമത്തിൽ നിന്നും വ്യതിചലിച്ചു ഇത്ര വേഗത്തിൽ ഒരു പുതിയ നിയമം ഉണ്ടാക്കുമ്പോൾ അതിനു എന്തെങ്കിലും പ്രത്യക്ഷമായ ന്യായങ്ങൾ ഉണ്ടായിരിക്കേണ്ടതുവളരെ അത്യാവശ്യമാണ്. ഈ ബില്ലിനെ ഈ സഭയിൽ ആലോചനയ്ക്കെടുക്കുന്ന സമയത്തു ഈഴവസമുദായത്തിനോ അല്ലെങ്കിൽ മിശ്രദായം മേലും പാലിച്ചുകൊണ്ടു പോകണമെന്നാഗ്രഹമുള്ള ഈഴവസമുദായവിഭാഗത്തിനോ ബില്ലിലെ ഇപ്പോഴത്തെ വ്യവസ്ഥകളെ സംബന്ധിച്ചു എന്തെങ്കിലും ശക്തിയായ പ്രതിഷേധാഭിപ്രായം ഉണ്ടെന്നു സഭയെബോദ്ധ്യപ്പെടുത്തേണ്ട ആവശ്യമുണ്ടെന്നും അതു

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പ്രകാരം ആഗ്രഹമുള്ള ഈഴവസമുദായവിഭാഗം നിശ്ചയമായും അറിഞ്ഞിരിക്കണം. നിസ്സാരമായ കാരണത്തിന്മേൽ, ഈ സഭ ഒരിക്കൽ പാസ്സാക്കിയ നിയമത്തെ ഭേദപ്പെട്ടുത്തുകയില്ലെന്നു ഇവർ അറിഞ്ഞിരിക്കാൻ ഇടയുണ്ടായിരുന്നിട്ടും ഇതുവരെ—ഉദ്ദേശം മൂന്നുമാസത്തിനുമേൽ കഴിഞ്ഞിട്ടും—ബില്ലിലെ വ്യവസ്ഥയ്ക്കു വിപരീതമായ അഭിപ്രായം ഒറ്റയാളെങ്കിലും രേഖപ്പെട്ടുത്തീട്ടില്ല എന്നുള്ളതുകൊണ്ട് ഈഴവസമുദായത്തിന്റെ മനോഗതി ഈ ഭേദഗതിക്കനുകൂലമെല്ലെന്നു എത്രയും പ്രത്യക്ഷമായി നമുക്കു കാണാവുന്നതാണ്. മിസ്റ്റർ രങ്കസ്വാമിഅയ്യങ്കാർ അവർകൾ പ്രസ്താവിച്ചിട്ടുള്ളതു ആറുമാസത്തെഅവധി കൊടുത്തിട്ടുള്ളതുകൊണ്ടു ആറാമത്തെ മാസത്തിന്റെ അവസാനത്തിൽ ഇങ്ങനെ ഒരു സ്വാതന്ത്ര്യം ഉണ്ടെന്നുള്ള വിചാരത്തോടുകൂടി ഈ സമുദായത്തിൽപെട്ട ആളുകൾ ഈ വിധത്തിൽ പ്രവർത്തിക്കാതിരുന്നു എന്നു അനുമാനിക്കാൻ ന്യായമുണ്ടെന്നാണ്. അത് അത്രശരിയായ അനുമാനമാണെന്നു എനിക്കു തോന്നുന്നില്ല. ഈ സഭയിൽ അതിനെ സംബന്ധിച്ചു ശക്തിയായവാദപ്രതിവാദം ഉണ്ടാകുമെന്നും ഈഴവസമുദായത്തിലോ മിശ്രദായ വിഭാഗത്തിലോ റെഫ്രേഷനോടു വിപരീതാഭിപ്രായമുള്ള ആളുകൾ എത്രമാത്രമുണ്ടെന്നും അവരുടെ അഭിപ്രായം എത്ര ശക്തിമത്താണെന്നും ഉള്ളതിനെകുറിച്ചു ഈ സഭ പര്യാലോചിക്കുമെന്നും അറിഞ്ഞിരുന്നിട്ടും അതിനെസംബന്ധിച്ചു വലുതായകോലാഹലങ്ങൾ ഉണ്ടാക്കുകയും പലവിധത്തിൽ ശക്തിമത്തായ പ്രതിഷേധാഭിപ്രായം ഉണ്ടെന്നുഭാവിക്കയും ചെയ്തിട്ടുള്ള ഒരുത്തനെങ്കിലും പ്രതിഷേധാഭിപ്രായം രേഖപ്പെട്ടുത്തീട്ടില്ലെന്നുള്ളതു ഈ സഭ ഗൌരവമായി ആലോചിക്കണം. ഇന്നു ഈഴവസമുദായത്തിലെ ഒരംഗത്തിനുപോലും ഇഷ്ടമില്ലാത്ത ഒരു നിയമത്തെ നാം ആ സമുദായത്തിൽകുത്തിചെലുത്താൻ ശ്രമിക്കുന്നതും ന്യായമല്ല. ഈ സഭയിലെ അംഗങ്ങളെല്ലാം ഈഴവരുതന്നെയായിരിക്കയും ഈ സഭയിലെ ഭൂരിപക്ഷാഭിപ്രായം ഇപ്പോഴത്തെ ഭേദഗതിബില്ലിനോടു യോജിക്കയും ചെയ്തിരുന്നാൽ, എനിക്കു യാതൊരു വിപരീതാഭിപ്രായവും ഉണ്ടാകയില്ല. എന്നാൽ ഇവിടെ ഈഴവസമുദായത്തിൽനിന്നും രണ്ടംഗങ്ങൾ മാത്രമാണുള്ളതു് അവരിൽ ഒരാളുടെ അഭിപ്രായത്തെമാത്രം വിചാരിച്ചു് അതിനെ പറ്റി നമുക്കു എത്രതന്നെ ബഹുമാനമുണ്ടായിരുന്നാലും ഈഴവസമുദായത്തിനു ആഗ്രഹമോ ആവശ്യമോ ഇല്ലാത്ത ഒരുനിയമം നാം നടപ്പിൽ വരുത്തുന്നതു ന്യായമായിരിക്കയില്ല. പഴയ റെഫ്രേഷൻ ആലോചനയിൽ ഇരുന്നപ്പോൾ ഈസഭയിലെ അംഗമായും ഈഴവപ്രതിനിധിയുമായിരുന്ന എല്ലാ ആളുകളും മിശ്രദായവിഭാഗത്തിൽപെട്ടവരായിരുന്നു എന്നും, അതി

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[Mr. C. P. Tarakan.]

നാൽ മക്കത്തായികളുടേയും മരുമക്കത്തായികളുടേയും അഭിപ്രായങ്ങളെ മാത്രമേ സഭയ്ക്കു കാര്യമായി ആലോചിക്കുവാൻ ഇടയുണ്ടാകാതിരുന്നിട്ടുള്ളു എന്നും പ്രസ്തുത മിശ്രദായസമുദായം മേലും മിശ്രദായമായിതന്നെയിരിക്കണമെന്നും, ശക്തിയായ അഭിപ്രായമുള്ള ആളുകളുടെ എല്ലാവിധത്തിലുമുള്ള യുക്തികളും വേണ്ടപോലെ പരിശോധിച്ചു ശേഷമാണു കഴിഞ്ഞനിയമം പാസ്സാക്കീട്ടുള്ളതെന്നും അതിനാൽ നിസ്സാരങ്ങളായകാരണങ്ങളാൽ ഇങ്ങനെയുള്ള ഒരുനിയമം പാസ്സാക്കികൊടുക്കുന്നതു ശരിയല്ലെന്നും സഭ ആലോചിക്കണം. എന്നുമാത്രമല്ലാ കഴിഞ്ഞസഭയിൽ പാസ്സാക്കി ഇപ്പോഴും നടപ്പിലിരിക്കുന്ന നിയമം ഈഴവസമുദായത്തിൽ മിശ്രദായം വീണ്ടും നടത്തികൊണ്ടിരിക്കണമെന്നും ആഗ്രഹം ഉള്ള ആളിനു ഒരു പ്രതിബന്ധമായിരിക്കയില്ലെന്നുള്ളതും ഏതെങ്കിലും ഒരാൾക്കു മിശ്രദായം മേലും നടന്നുകൊണ്ടുപോകണമെന്ന് ആഗ്രഹമുണ്ടായിരുന്നാൽ ആ ആൾക്കു അപ്രകാരം ചെയ്യുന്നതിനു ബില്ലിൽ സ്വാതന്ത്ര്യം ഉണ്ടെന്നും അതിനാൽ പുതിയതായി ഒരു നിയമം രൂപീകരിക്കേണ്ട ആവശ്യമില്ലെന്നുമാണ് എന്റെ അഭിപ്രായം.

MR. G. RAMAN MENON (*Mavelikara* cum *Kartikapalli*) : Sir, in considering the Bill before us, it seems to me that we should be guided by reliable evidence before the House and before the public and not be misled by vague allegations in petitions and memorials. My friends, Messrs. Kumaran, A. K. Pillai and Tarakan, have dealt with certain aspects of the question. I shall confine myself to a consideration of an argument given in the Statement of Objects and Reasons appended to the Bill based upon the principles of social legislation.

> "They maintain that, on the accepted theory and practice of social legislation, it is the members of the community wishing to depart from the pre-existing custom and usage, recognised by law, who should be required to move for inclusion within the scope of any new enactment changing the old order."

I wish to say a few words upon that. That argument sounds very fine; but unfortunately it does not suit the facts of the case. The argument would have been all right if, about a century ago, a Government or some social philosophers had out of their own brains evolved a Bill for the Ezhava community "for all and sundry or those whom it may concern to come and include themselves within its scope." But that is not the case here. For the last 15 or 20 years, there has been a great movement among the members of the community concerned, about the fact that the conditions of their family life and of inheritance are not such as to protect them in the struggle for existence at the present day. So a few leaders among the community began to impress these views upon the other members and to show to them the great danger in which the community stood in the struggle for exist

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these views gained ground amongst the majority of the people. At first, the reformers were in the minority and those who opposed the reform were in the majority. But now the tables have been completely turned. The majority of the community feels strongly, very strongly indeed, that, in the struggle for existence, they will be nowhere if the old system were to continue. They therefore came to the conclusion that they wanted a Regulation, agitated for it and got it. It is extremely unreasonable for the minority party to come in and say now that those who want it should register in. The *misradaya* Ezhavas are in a minority. Then again, among the *misradaya* Ezhavas also the majority of them are in favour of the Regulation. Guided by the facts of the case, we can see that. Out of the six non-official members of the Law Committee, 4 were *misradayees* and only 2 *marumakkathayees*. It is a large order for a minority to come forward and say that the majority should come forward and include themselves in the scope of the Regulation. So, I submit that the majority of the community have moved for such a wholesome change, such a necessary change in their system of inheritance. After having got it, they should not be tricked out of it. The majority of the community have a right to enact measures of self-preservation and I hold this to be a measure of self-preservation; otherwise they will be nowhere in the struggle for existence. So I base my opposition to the Amending Bill on this ground; that is, the necessity and the right of the majority of the community to pass measures of self-preservation. Further, it is not proved that the gentlemen who now come forward are seriously against the law. For, not a single gentleman has come forward to exclude himself from the operation of the law, though a generous provision for it is made by the law itself.

Another point that I wish to urge is that the present movers have discarded the authority of the majority of the community. Having done that, they have no business to bestow any sacredness upon the majority of the adult members of the *tarwad*. That is not required. In a State, we find several orders of authority. First and the lowest is the individual, then the family, then the community, then the general community or the State. We cannot allow those in the lower grade to go against the legitimate authority of the higher grade. So, this argument of the majority of the family being required for coming within the scope of the Regulation does not sound well in the mouth of those who have discarded the authority of the majority of the community. I must say that once it is clear that the majority of the community are in favour of the existing law, even one in a family should not be tricked out of it. Suppose there is a family; one member wants to be included in the existing law; then he should not be allowed to be controlled by the majority of the family alone. There is the higher authority of the community in his favour. For these considerations, I oppose the amending Bill brought forward.

MR. C. P. THOMAS (*Nominated*): Sir, I oppose the motion brought forward by Mr. Padmanabhan. The first point that has been raised here is about the desirability of amending a Regulation that has been so recently passed by the Council. It has been said that, for the

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[Mr. C. P. Thomas.]

good reputation of the House, it is not at all advisable that such a law should be so soon amended. But I think this argument should not decide such a question. It depends upon whether any new light has been thrown upon the question since the passing of the Regulation, which makes the House convinced that an amendment is necessary or not. If no new light has been thrown on the question since the passing of the law, I think this House will be sitting in judgment upon the decision of the former House with the same materials before it. Such a step, I think, is not objectionable. The question before the Council is whether, after the Bill has been passed, we have been given new materials which the last Council had not before them, and thus a case has been made out for reconsideration of the matter. If we look at the question in that light, I am sorry to find that nothing has been placed before this Council which was not before the former Council. If it has been shown that the majority of the *misradayees* are against the provisions of the existing Regulation, it might be justifiable for the Council to take up this amendment for consideration. But we know that, in the last Council, the majority of the members of the *misradayees* were in favour of the Regulation as it is. Not only that. They accepted this Section now to be amended which was intended to satisfy the minority. Left to themselves, they would not even have provided this Section. Therefore we are not at all justified in thinking that the majority of the *misradayees* have been in any way against the provisions of the Regulation as now existing. Yesterday, in this Council, we practically accepted the principle that, for all practical purposes, we ought to be guided by the opinion of the representatives of the community in this Council rather than by what might be alleged as opinion outside the Council except for very strong reasons. Judging from the opinion expressed in the last Council by the members of the *misradayam* community, I think we shall be justified in coming to a conclusion that the Regulation, as it is, is acceptable to a vast majority of them.

So much has been said about interfering with the vested interests of the members of an unwilling minority. I think, if we accept that principle and carry it to its logical extent, not a single one of the social legislations which this Council or any other legislature in India has ever passed will be acceptable to all persons; for we know that whenever a social legislation of this kind is attempted, there will be at least an inconsiderable minority always against the passing of any such legislation. Our experience in this State, from the time the Christian Succession Act and the Nayar Regulation were mooted, and all through the period of their course through the Council, has been that there has been always at least a minority clamouring against the various provisions of those Regulations. If we act on the principle that a minority, however small, will have to be conciliated and that a Regulation passed should be passed in such a way that a progressive majority, however big the majority may be, should be made to come into a legislation rather than allowing a conservative minority, however small, getting out of the

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legislation—what this amendment now wants is that a conservative minority, however small, should be allowed the freedom to remain as they are and a progressive majority, however large they may be, should be compelled to come and register in if they are to get the benefits of this legislation—I am sure the unreasonableness of such a position is evident.

Another point that has been discussed should also receive careful consideration. We, as progressive members of the community, along with so many others, should see that, if this Regulation is amended in the way suggested, it would create a split. Now all the communities are anxious to reduce the opportunities for factions and it should be the desire of each community in the State not to multiply such factions and as far as possible, to prevent the ways in which such factions could be increased. I am sure considerations of laws of inheritance and other factors go to cement a community; but if in the same community there are two systems of inheritance, there would be so much hindrance to the unification of the community. On the other hand, if such hindrances are removed, in one or two generations, the community will progress towards solidarity which will be for the political and economic advancement of that community. For all these considerations, I beg to oppose the Amending Bill.

MR. G. NARAYANA PILLAI (*Tiruvalla*): Sir, as has been pertinently pointed out by Mr. Kumaran, persons who agitated for, fought for and worked for the Ezhava Regulation were mainly *misradayees*. The effect of accepting the amendment now proposed by Mr. Padmanabhan will be to keep such persons out of the pale of the Ezhava Regulation. This, indeed, is a most disastrous effect. As represented by the mover of the Bill, a loophole is now provided by which those who are discontented with the Regulation may go out of it. The Ezhava Regulation says that the malcontents of the community may register and get themselves out of the operation of its provisions. What the proposed amendment wants is that the *misradayees* should stand solidly out. The wiser of the two courses seems to be to have the law for Ezhavas as a whole, and then to keep the proviso that, if any one wants to get out of the Regulation, he may choose so to go out.

Another question to be considered is whether the opinion of the majority is likely to be in favour of the proposed amendment. It was pointed out just before that *misradayees* are a set of people who are more akin to the *makkathayees* than are the *marumakkathayees*. The Nayars from 1088 to 1100 were following the *misradayam* sort of inheritance. They wanted only a probationary period of twelve years to get themselves out of that inheritance and evolve to *makkathayam*. But the *misradayees* had this system of inheritance for several generations and it is most likely that the majority of the members of the community will be for the Regulation as it is. What then is the grievance that any member of the *misradayam* community can have? If any *misradayee* is not satisfied with the Regulation as it stands, there is ample provision made for such a man to keep himself out of its operation

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[Mr. G. Narayana Pillai.]

No such dissatisfaction has, however, been hitherto evinced by any large section of the community. Though a remark was made that there is yet time for such persons to get themselves registered, it is not likely, that if anybody engenders such an opinion, he will wait till the last day to get himself registered out. So I believe under the circumstances that no strong case has been made out for the amendment and I would therefore oppose it.

DR. N. KUNJAN PILLAI (*Director of Agriculture and Fisheries*): Sir, the existing Ezhava Regulation is one in the shaping of which I had a small part to play. When the Ezhava Bill was introduced into the Council during the administration of Mr. M. Krishnan Nair, I was one of the members of the Select Committee appointed to consider the Bill. And, if I am not mistaken, I was more or less instrumental in bringing into this Bill a provision about which there is so much controversy at present. The then Ezhava member of the committee, Mr. Kumaran Asan, who was by instinct and temperament a conservative, was not prepared to go beyond the provisions of that Bill. I believe that, at the instance of some of the members of the Select Committee, Mr. Kumaran Asan, in spite of his conservative instinct, was able to see the advisability of going a step further than was contemplated by the Bill. Having had something to do with the shaping of the Regulation, I will not be true to myself if I did not oppose the Amending Bill that has now been proposed to be introduced. If you look at the history of this Ezhava Regulation, it would be evident that from the beginning the agitation for reforming the law of inheritance and the law of marriage among the Ezhavas was started and carried on mainly by the *misradaya* Ezhava section. Even now a good many of them—and I believe the majority of them are in favour of the existing Regulation. There is no doubt that a small portion of the community, which I consider to be a minority, do not want to be benefited by the existing Regulation. I believe that the people who are against the existing Regulation are either *karanvans* of *tarwads* or those who hope to be *karanavans* in the near future. The majority of the younger generation are in favour of the existing Regulation. Sir, those members of the *misradaya* section who do not want to be benefited by the existing Regulation can find a way out of it. They can apply for and get exemption from the operation of the objectionable Section. It has been pointed out in this House that till now not a single application has been made for exemption. No doubt, it has also been argued that applications were not made because the members of the *misardaya* section were hoping that an Amending Bill would be introduced and passed into law and that if so there would be no necessity for them to apply for exemption. This is not a sound argument. Members of the *misradaya* section have absolutely no ground to suppose that this House would go back upon a decision which it once took, so that, if they did not apply for exemption, the natural inferenee would be that the majority of them did not want to be exempted.

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The agitation for the reform of inheritance, partition of *tarwad* property etc., among the Ezhavas started about fifteen years ago or earlier. An Enquiry Committee was appointed to consider the question to collect evidence and submit a report. On the basis of this report Bill was drafted and introduced into one Council and was considered and passed into law in another Council. Here is a third Council trying to annul that Regulation. In the last Council, the *misradaya* section had a very strong advocate in the person of Mr. Paramesvaran who spared no pains to voice forth the opinion of his section. They held demonstrations against the Bill, organised protest meetings, and passed resolutions opposing the Bill. All this was done when the original Ezhava Bill was under consideration so that it cannot be said that the Council decided the question without going into it thoroughly. The Council had all the materials before it considered the question in all aspects and came to a definite conclusion. Yesterday, we heard a great deal about the psychology of changing one's opinion. Still more may be said of an individual doing it, I think this House will have to think twice before it decides to change its opinion once made deliberately. Rightly or wrongly, the law has been passed. It is a *fait accompli*. The old order of things has changed and a new order has come into existence. That is an aspect of the question that we have to consider. The question is not whether we should maintain the old order of things or the *status quo* but whether the existing order of things should be changed.

MR. K. I. JOSEPH (*Minachil* cum *Devicolam*): May I know whether the present Regulation came into force because Mr. Rangaswami Aiyangar and others voted against their conscience?

DR. N. KUNJAN PILLAI (*Director of Agriculture and Fisheries*): I cannot say. The official members, in the matter of social legislation, have freedom to vote as they like.

MR. V. SUBBA AIYAR (*Nominated*) (*Deputy President*): May I know whether Mr. Rangaswami Aiyangar expressed the same view today as he did the other day?

DR. N. KUNJAN PILLAI (*Director of Agriculture and Fisheries*): I think so. He was in the minority and the Bill was passed.

When the Ezhava Bill was considered by the last Council, if this amendment had been brought before the House, I could have seen the reasonableness of such a course. Of course, similar amendments were considered and rejected by the Council. This aspect of the question requires the special consideration of the members of the House when they try to change the present Regulation. What does the amendment mean? The existing Regulation says that those who do not want to benefit by this Regulation can apply for exemption, while according to the Amending Bill those who want to be benefited by the Regulation must apply for exemption. This is reversing the natural order of things. Strangely, those *misradayees* who oppose some sections of the Regulation are in favour of the other sections. They want the

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[Dr. N. Kunjan Pillai.]

portion of the Regulation and want only a few sections to be ... The natural course will be to allow those *misradayees* who do ... want these sections to be exempted. There is provision for this in the Regulation. New arguments have not been advanced to influence the Council to change its opinion. As I have already said the question was considered in all its aspects and so I voted in favour of the original Bill and the discussion to-day has not convinced me of the necessity or the desirability of changing my opinion. Therefore I oppose the amendment.

RAO BAHADUR K. V. RANGASWAMI AIYANGAR (*Principal, College of Arts*): May I ask Dr. Kunjan Pillai to state at what stage of the discussion in the last Council this provision for enabling those *misradayees* ... not want to stay under the protection of this law to walk out ... ussed?

DR. N. KUNJAN PILLAI (*Director of Agriculture and Fisheries*): I do not remember exactly at what stage the discussion took place.

RAO BAHADUR K. V. RANGASWAMI AIYANGAR (*Principal, College of Arts*): May I ask whether the discussion took place during the Select Committee's recommendation?

DR. N. KUNJAN PILLAI (*Director of Agriculture and Fisheries*): I do not remember.

RAO BAHADUR K. V. RANGASWAMI AIYANGAR (*Principal, College of Arts*): May I know from Dr. Kunjan Pillai whether it was not introduced as a compromise in the last stage of discussion?

DR. N. KUNJAN PILLAI (*Director of Agriculture and Fisheries*): It might be so.

RAO BAHADUR K. V. RANGASWAMI AIYANGAR (*Principal, College of Arts*): If it was so, how can it be said that this important question was considered?

DR. N. KUNJAN PILLAI (*Director of Agriculture and Fisheries*): As a result of the discussion in the Council, the compromise clause was included in the Bill.

RAO BAHADUR K. V. RANGASWAMI AIYANGAR (*Principal, College of Arts*): Was this compromise acceptable to those persons who accepted the *misradaya* form in the last Council.

DR. N. KUNJAN PILLAI (*Director of Agriculture and Fisheries*): I think it was passed by the majority.

RAO BAHADUR K. V. RANGASWAMI AIYANGAR (*Principal, College of Arts*): I am not asking anything about the majority but only of those persons who ask for protection against this measure.

DR. N. KUNJAN PILLAI (*Director of Agriculture and Fisheries*): I think Mr. Parameswaran did not want it.

MR. K. C. MAMMEN MAPPILLAI (*Commerce and Industry, North*): May we hear the views of the Law Member?

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PRESIDENT: I do not think there is any Law Member here.

MR. K. C. MAMMEN MAPPILLAI (*Commerce and Industry, North*): I should like to hear Mr. Kayyalam Paramesvaran Pillai speak.

MR. K. K. THOMAS (*Kottayam*): He will speak last.

MR. K. C. MAMMEN MAPPILLAI (*Commerce and Industry, North*): If Mr. Kayyalam Paramesvaran Pillai has no views to offer, I think it is all right.

MR. N. V. JOSEPH (*Parur*): Sir, I rise to oppose this Amending Bill. I oppose it on behalf of the Ezhava brethren of my taluk.

MR. KAYYALAM PARAMESVARAN PILLAI (*Ag. Additional Head Sirkar Vakil*): May I ask whether there are any *misradaya* Ezhavas in the member's constituency?

MR. N. V. JOSEPH (*Parur*): I never said that there was. Still that is a question which affects the whole Ezhava of Travancore. Those who think that this question concerns only the *misradaya* Ezhavas may take the opposite view. Sir, when this Regulation was under consideration in this House, this very question was discussed. And this House, which claims to be the accredited exponent of the responsible opinion of Travancore, has given its sanction and blessed the community with a law for them. The change seems to be rather funny. My friend, Mr. Padmanabhan, I am sure, will concede that uniformity in the law of inheritance is the greatest factor in the solidarity of the community. If that is conceded, the aim of the Ezhava community should be to have a uniform law of inheritance. At present, there are different systems of inheritance in vogue. What I submit is that the aim should be in the future to have a uniform law of inheritance. If that is the aim, I think we should adopt the method that we adopt at present.

Out of the different systems of inheritance, which the different communities of Travancore adopt, I think the most progressive one is in favour of *makkathayam*, and this very Ezhava Regulation was conceived, drafted and passed on the foundation of the principle of *makkathayam*. On that foundation, the structure has been built up. On that ground, I submit to the House that we should make the retrograde step more difficult and prohibitive and the march towards complete *makkathayam* smooth and easy. If that is conceded, my contention is that the provision in the present Regulation is a prohibitive one for those who want to take a retrograde step. That is the main reason why I oppose the Amending Bill. After all, the whole of the *misradayan* community itself forms only a minority among the whole of the Ezhavas and, even among *misradayees*, there are many in favour of the present provision in the Regulation. That is all the more reason for us to oppose the Amending Bill.

Then, Sir, one who knows the Ezhavas, who knows the educated opinion of the community will find that the educated opinion of the community is against the Amending Bill and in favour of the provision as it is at present. One who really wishes, in his heart of hearts, the progress of the Ezhava community cannot wish that this

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[Mr. N. V. Joseph.]

provision should be taken away or amended. So I appeal to this House that this Amending Bill must be thrown out.

MR. K. C. MAMMEN MAPPILLAI (*Commerce and Industry, North*): My first duty is to redeem my promise to a very large number of *misra-dayam* people, who came to me and asked me whether the statement of Mr. Kumaran and others, that they were only 2 or 3, was a fact. I saw very nearly 200 or 300 persons before me. Having discharged this duty, I will at once give out my personal view that all this agitation is entirely artificial. The organisers of the counter-movement put in a claim that they have behind them the support of the majority of the community. The persistent, reiterated claims of these persons reminded me of the classic assertion by the three tailors of the Tooley Street that they represented the people of England. I shall not say anything more about that aspect of the question.

We have had very learned disquisitions about the necessity of passing the Bill and the injustice that the House will be perpetrating if it does not pass it. That again reminded me of similar prognostications under identical conditions in different countries, in England, in the British Indian Legislatures and also in our own Legislative Council whenever a contentious piece of legislation is passed by a majority. I do not say that, under certain conditions or circumstances, the legislature may not be tempted to pass a measure which may be injurious to the interests of the majority of a nation or of a community. But more often than not, such possibilities exist only in the imagination of the spokesmen of a discomfited minority. Having listened, as carefully as I could, to the arguments advanced in support of the Amending Bill, I was driven to the conclusion that there was little substance in all those arguments, that the forebodings of evil on this occasion will be falsified as on so many previous occasions, particularly —I hope the House will excuse my repeating it—as in the case of the Christian Bill about which we had such heated discussions and prophecies. But the Christian community has calmly settled down under the Christian Bill. Social customs, Sir, are always undergoing changes. We should not suppose that the customs, which we now find obtaining in the community, have always been exhibited by them. I was a member of the Christian Committee and I found, in the course of our investigations into the history of the social customs of the Christian community, that the customs which at first I was inclined to think existed from time immemorial—did not exist in the past. Later on, I came across various other such instances. The Law Courts only give effect to customs that are proved to exist. But, when it is found that a great majority of a particular community are against a particular social custom, it is the sacred duty of the legislature to enable the community to escape from the trammels of that custom. In our own country, I think it is a matter for great pride that, during the last few years, this Council has enabled three important communities to escape from these trammels. I know how

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people in British India have been trying to pass such social legislations. They find it so difficult there. But I have always been struck by one circumstance, *viz.*, that, although this House is composed of members belonging to different communities, when a measure affecting one community is taken up, the members of other communities have been most scrupulous in seeing that the desires and the intentions, of the particular community affected, form the guiding factor; and that they have always been most conscientiously attempting to get at that principle which would be to the best interest of the community concerned. The Ezhava Regulation was discussed in the last Council and it was after a very careful and elaborate discussion of the Bill that the House came to the decision, by an overwhelming majority, that the Ezhava Bill, as we now find it on the Statute Book, should be enacted.

One or two points occur to me which I should like to mention in this connection. No doubt, the Ezhava Regulation has effected some changes in the social customs of the *misradayam* community. But, I think, as was pointed out by Mr. A. K. Pillai, a far greater change has been given effect to by the Ezhava Regulation from the standpoint of the *marumakkathayam* section of the community than from that of the *misradayam* community. The *marumakkathayam* community had not got any *makkathayam* principle whereas the *misradayam* community is admittedly partly *makkayatham* and partly *marumakkathayam*. Such being the case, the transition, from the pure *marumakkathayam* of a majority of the community, is certainly more difficult than the transition from *misradayam* to *makkathayam*. Therefore, it is certainly reasonable that, when even *marumakkathayees* are prepared to accept the existing provision in the Regulation, the *misradayam* people, who are already partly *makkathayees*, should not find it a great trouble in being asked to accept the provisions of the present Regulation.

Another point that struck me was that the leaders of the community, who have been instrumental in enacting the measure, as I found after listening to Mr. Kumaran, belong to the *misradayam* section. That appears to me to be a very strong argument in favour of the existing Regulation. When learned and educated members of the *misradayam* community—who have been members of *this* House or of the previous Council, and have been putting forth continuous and persistent efforts in enacting this measure, who have been responsible for enabling the community to have a codified law regulating their social customs—when such persons are satisfied with the existing Regulation, I am not prepared to give any weight for the opinions of a few members of the *misradayam* community, be they 200 or 300 or even a thousand. From the fact that a large section of the community has been acquiescing in the Regulation with pleasure and that all the recognised leaders of the community have been almost unanimously in favour of the law, I think that we can safely leave the Regulation as it was only recently enacted. In the case of the Nanjanad Vellala community, we were labouring under a

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[Mr. K. C. Mammen Mappillai.]

difficulty, because the community mainly lives only in the southern districts while most of us come from Central and North Travancore and are, therefore, not very closely acquainted with the wishes of the community. We are all living in the midst of the Ezhava community and we are in a position to understand the sentiments and customs of the Ezhava community.

MR. R. PADMANABHAN (*Nominated*): May I ask whether the member has any direct knowledge of *misradaya* Ezhavas?

MR. K. C. MAMMEN MAPPILLAI (*Commerce and Industry, North*): When I said '*we*' I said that in a representative capacity. Many of my friends are living in the midst of *misradayam* Ezhavas and they have assured me that the present law is not disliked by them. They say that it is not unpopular. But I may say, for the information of the member, that I am living in a country where there are only *marumakkathayam* Ezhavas. We are not concerned here merely with the *misradayam* community. We are concerned also with the *marumakkathayam* section. I think it would be very unjust if the House ignores the *marumakkathayam* community and considers only the sentiments of the *misradayam* community. When the measure was passed in the last Council, we felt that there was a genuine feeling among a few members, against the system of inheritance adumbrated in the Bill. It was, therefore, felt necessary that some provision should be made so that they may please themselves. In the course of a few years, we will find that even those few persons, who wanted this provision at the time the Bill was passed, will be dwindling away.

It was suggested to-day that, though it was possible for certain families to register their names and thus contract out of the Regulation, people do not generally do it, just as they do not appeal to Mr. Robinson when they are excessively assessed for income tax. My own experience is that, whenever the matter is sufficiently important, none of us keep quiet. It is only when we find that our time will be more valuable than fighting for a few rupees that we do not bother ourselves.

MR. N. KUMARAN (*Nominated*): Is the member aware that, under the present Regulation, even if *one* member wishes to go out of the new law, he can get exemption?

MR. K. C. MAMMEN MAPPILLAI (*Commerce and Industry, North*): Yes, that is true.

Under these circumstances, I think that, if the present Amending Bill is passed, it will be an unjustifiable infliction on the *marumakkathayam* community which forms the majority among the Ezhavas. Moreover, even the majority of the *misradayam* community are emphatically in favour of the existing Regulation. It will certainly be unjust if we put the preponderating majority to the necessity of going to the registering office in order to get the advantage of the existing Regulation. It is only a minority that is now complaining about the law. For all these reasons, I oppose the Amending Bill.

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MR. K. NARAYANAN PANDALAY (*Ag. Chief Secretary to Government*): Sir, I am very sorry that I am unable to agree in the views expressed by so many of my learned friends who have already spoken on the subject. Last evening, I had occasion to state in this House the attitude that this House should adopt in matters of social legislation. I stated that the duty of this House is to give the community the law that it wants. I told the House that it is not open to us here to think out for the community what is best for them. (*Louder, please.*) I told the House last evening that, in matters of social legislation, it is not open to us to consider what would be best for the community. Our duty is simply to correctly understand what exactly the community wants, and, for that purpose, we should abide by the opinion given here by the ackowledged representatives of the community concerned. To-day we are discussing a subject of a similar nature and I hold fast to my opinion expressed yesterday. The one further principle that I wish to add to-day is that, in matters of social legislation, we should not allow the majority of a community to impose its will upon a minority. I have heard, with great interest, fine sentiments and sound arguments given expression to by my learned friends. But, I am sorry that I cannot concur in their views. I strongly feel that, in matters of social legislation,——

MR. CHANGANACHERY K. PARAMESVARAN PILLAI (*Quilon*): May I know what exactly the member means by '*social legislation*'?

MR. K. NARAYANAN PANDALAY (*Ag. Chief Secretary to Government*): I mean by '*social legislation*' a legislation which alters or modifies the personal or customary law of a community.

MR. CHANGANACHERY K. PARAMESVARN PILLAI (*Quilon*): Is the Penal Code a piece of social legislation?

MR. K. NARAYANAN PANDALAY (*Ag. Chief Secretary to Government*): No.

MR. CHANGANACHERY K. PARAMESVARAN PILLAI (*Quilon*): Does it not alter the customs of certain communities, '*age of consent*,' for instance?

MR. K. NARAYANAN PANDALAY (*Ag. Chief Secretary to Government*): In certain matters in which public interest, as a whole, is affected, it is open to Government to prescribe the law.

MR. CHANGANACHERY K. PARAMESVARAN PILLAI (*Quilon*): Is there essentially any difference between what is ordinarily called '*social legislation*' and other kinds of legislation? Is there any legislation which is not social? I ask this question, because it appears to me that the expression 'social legislation' is being used rather loosely and without understanding whether there is any essential difference between that and other pieces of legislation. I do not mean any disrespect to anybody

MR. K. NARAYANAN PANDALAY (*Ag. Chief Secretary to Government*): I will try to explain what I mean by 'social legislation." I mean a piece of legislation which seeks to prescribe rules affecting a com-

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munity in matters of inheritance, devolution of property, partition, marriage and other such matters. It is in that limited sense that I used the expression.

I was stating that I found the need to add one principle to those which I enunciated last evening and that is that it is not open to the majority of a community to impose a law on the minority without the consent of that minority.

MR. N. KUMARAN (*Nominated*): May I know whether this principle has been accepted by the Government in any of its social legislations?

MR. K. NARAYANAN PANDALAY (*Ag. Chief Secretary to Government*): I am not talking of the views of the Government here.

MR. N. KUMARAN (*Nominated*): I am only asking the Chief Secretary for information whether the Travancore Government has accepted this principle.

PRESIDENT: The member is not in order in referring to Mr. Pandalay as Chief Secretary to Government as there is no Chief Secretary present in this Council.

MR. K. NARAYANAN PANDALAY (*Ag. Chief Secretary to Government*): As regards that matter, I believe my friend who has been in this Council longer than myself is better able to know what the attitude of the Government has been.

MR. N. KUMARAN (*Nominated*): May I know whether to his knowledge this principle has been accepted by Government in any case?

PRESIDENT: He is not speaking on behalf of Government. You ask him to express the views of Government. Anyhow, that question is not strictly relevant to the speech.

MR. K. NARAYANAN PANDALAY (*Ag. Chief Secretary to Government*): Sir, I am prepared to concede that in a particular measure the opinion of the majority may be calculated to advance the best interests of the community as a whole. But I feel that, whatever that be, if at least one member of the community comes forward and says that he does not want a piece of law which we consider best in the interests of the community, I think we are bound to respect that sentiment.

MR. K. K. THOMAS (*Kottayam*): May I know from the Chief Secretary... .....

PRESIDENT: There is no Chief Secretary present. Please address your request to somebody present; if not, please sit down.

MR. K. K. THOMAS (*Kottayam*): May I know from the member whether the present amendment is not an interference with the rights obtaining in the Regulation?

MR. K. NARAYANAN PANDALAY (*Ag. Chief Secretary to Government*): Every Amending Bill is; so far as that matter is concerned, —

MR. K. K. THOMAS (*Kottayam*): The member's point was that, in cases of social legislation, it is not right for the House to interfere with the rights already existing in the community.

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MR. K. SIVARAMA PANIKKAR (*Shertallai*): May I know from the member if he means that even individual legislation ought to be given?

MR. K. NARAYANAN PANDALAY (*Ag. Chief Secretary to Government*): No, that is not what I mean. If an individual belonging to a particular community comes forward and says that the law is not in the best interests of that community, I say we are bound to respect that view. Now we have provided a clause enabling people to get out of the law.

MR. K. SIVARAMA PANIKKAR (*Shertallai*): Does the member mean to suggest that such exemption should be given to one single individual member of the community?

MR. K. NARAYANAN PANDALAY (*Ag. Chief Secretary to Government*): Yes. I have been trying to analyse the arguments advanced by the contending parties and I find that there is no material difference at all in their standpoints. In the existing Regulation, there is a clause of exemption in favour of *nisradayam* people and the Amending Bill similarly wants an exemption clause. But the only point is who ought to register in and who ought to register out. Where is natural justice to require a man who wishes to be left alone to make sacrifices for keeping himself out or to require a man who seeks the change to go and register in? I daresay there can be but one answer. I therefore feel that the amending Bill deserves the support of the House.

The Council adjourned at 5. P. M. to meet again at 11-30 A. M. on the following day.

T. P. RAMASUBBA AIYAR,
Secretary to the Legislative Council.

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Supplement.

THE FOLLOWING BILL, TOGETHER WITH THE STATEMENT OF OBJECTS AND REASONS, IS PUBLISHED FOR GENERAL INFORMATION, UNDER RULE 29 OF THE LEGISLATIVE COUNCIL RULES.

A BILL TO AMEND THE TRAVANCORE EZHAVA REGULATION III OF 1100.

Whereas it is expedient to amend the Travancore Ezhava Regulation, III of 1100, for the purpose hereinafter appearing; It is hereby enacted as follows:—

The Travancore Ezhava Regulation, III of 1100,—

After section 33, the following section shall be added, namely :—

"34. Notwithstanding anything contained in the foregoing, none of the provisions of Part IV or Part VII shall apply or shall be deemed to have applied to the Ezhavas who follow *marumakkathayam* as modified by usage (commonly called *misravazhi*):

Provided that the Government may by a notification in the Government Gazette, exempt any *misravazhi* Ezhava *Tarwad* and the members thereof from the operation of this section, on an application made for that purpose by the majority of the adult members of that *Tarwad*, and after such inquiry as may be deemed necessary by the Government as to the truth of the application."

STATEMENT OF OBJECTS AND REASONS.

The Ezhavas of Travancore are of three different classes distinguished by the system of inheritance each has hitherto followed *viz.*, the *makkathayees*, the *misravazhis* and the *marumakkathayees*. The first is exempted from the operation of the Travancore Ezhava Regulation. The second, the *misravazhi* Ezhavas, strongly desire exemption from the provisions of the Regulation relating to intestate succession and partition; and they maintain that, on the accepted theory and practice of social legislation, it is the members of the community wishing to depart from the pre-existing custom and usage, recognised by law, who should be required to move for inclusion within the scope of any new enactment changing the old order. This Amendment Bill is designed to meet the claims of the *misravazhi* Ezhavas. Provision is, however, made to enable any *misravazhi* Ezhava *Tarwad* to come under the full operation of the Regulation, should any such *Tarwad* so desire.

R. PADMANABHAN,
15-10-25.

(By order) T. P. RAMASUBBA AIYAR,
Secretary to the Legislative Council.

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